



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 East Anapamu Street, Room 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning & Development
Department No.: 053
For Agenda Of: 6/23/2009
Placement: Set hearing
Estimated Tme: 30 minutes (on 7/7/2009)
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director John Baker (805. 568.2085)
Contact Info: Dianne Black, Development Services Director (805.568.2086)
SUBJECT: Public Notice Requirements Ordinance Amendments

County Counsel Concurrence
As to form: Yes

Auditor-Controller Concurrence
As to form: N/A

Other Concurrences: N/A

Recommended Actions:

That the Board of Supervisors set for hearing of July 7, 2009 to:

- A. Case No. 09ORD-00000-00005:** Consider the recommendation of the County Planning Commission and:
1. Adopt findings for approval of the proposed ordinance (Attachment A);
 2. Find that the adoption of this ordinance is categorically exempt from the California Environmental Quality Act in compliance with Section 15061(b)(3) of the Guidelines for Implementation of CEQA (Attachment B); and,
 3. Adopt an ordinance (Case No. 09ORD-00000-00005) amending Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code (Attachment C) to revise the existing procedures regarding the noticing of applications for development.
- B. Case No. 09ORD-00000-00006:** Consider the recommendation of the Montecito Planning Commission and:
1. Adopt findings for approval of the proposed ordinance (Attachment F);
 2. Find that the adoption of this ordinance is categorically exempt from the California Environmental Quality Act in compliance with Section 15061(b)(3) of the Guidelines for Implementation of CEQA (Attachment G);
 3. Adopt an ordinance (Case No. 09ORD-00000-00006) amending Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code (Attachment H) to revise the existing procedures regarding the noticing of

applications for development.

Summary Text:

1. Background.

In January 2006 several changes to the public noticing requirements for Coastal Development Permits and Land Use Permits were approved by the Board of Supervisors. Based on the experience gained in working with these procedures, we are now recommending several improvements to the noticing procedures and requirements to make them more efficient and effective. The overall goal is to involve the public earlier in the process through earlier and better noticing. These proposed changes should result in better projects and fewer appeals as issues can be addressed before considerable time and money has been spent on plans and process.

These changes have been reviewed and discussed with the Process Improvement Oversight Committee, County Planning Commission and Montecito Planning Commission at several workshops and public hearings. The proposed noticing changes involve the following:

- Provide more visible posted notices to increase public awareness of proposed development;
- Require posting of both street frontages on through lots;
- Provide mailed and posted notice of conceptual review by the regional Boards of Architectural Review (BARs) where not already noticed;
- Standardize the distance for mailed notice for Land Use Permits and shift the responsibility to mail notice to the County;
- Provide mailed notice of discretionary applications when the application is complete; and
- Post notice of availability of CEQA documents for review and public hearings for discretionary applications.

On April 22, 2009 and May 6, 2009, the Montecito Planning Commission and the County Planning Commission, respectively, voted unanimously to recommend that your Board adopt the changes addressed in this report. These proposed changes have also been endorsed by the Montecito Association.

2. Project Description.

2.1 More visible posted notices. The existing requirement for posted notices for Land Use Permits and Coastal Development Permits is for a minimum of one 8-1/2 inch by 11 inch notice provided by the County be posted in a visible location on the project site. In lieu of the current letter-sized notice, a new more visible notice is recommended. The posted notices are proposed to be 18 inches by 24 inches in size except for certain discretionary applications that are proposed to utilize 24 inch by 36 inch (2 feet by 3 feet) posted notices. The proposed notice is shown below.

2.2 Posted notices on “through” lots. Currently, where a property is a through lot with two separate street frontages, a minimum of one posted notice is required. However, the Department’s administrative practice is to have a notice be posted on each frontage. This amendment would formalize this practice.

2.3 Provide mailed and posted notice of conceptual review by the regional BARs. Currently notice of review by the North, Central and South BARs is only mailed and posted once a companion application for a Coastal Development Permit or Land Use Permit has been submitted. The proposal is to provide mailed notice (by the Department) and posted notice (by the applicant) prior to the initial conceptual review by the BAR so that neighbors are better informed about any development proposed nearby.

Notice of Proposed Development



COUNTY OF SANTA BARBARA

Planning and Development www.sbcountyplanning.org

Case Name: _____ Case #: _____

Applicant: _____ Date Filed: _____

Address: _____

Proposal: _____

Case Planner: _____ Phone #: _____

Please check frequently for project status updates on our website at www.sbcountyplanning.org

Proposed Posted Notice
 (18" x 24" or larger, depending on the application)

- 2.4 Land Use Permits.** Currently notice is mailed to adjacent property owners for the simpler projects (e.g., one story addition to a residence) and to property owners within 300 feet of the site for more sensitive projects (e.g., two story addition to a residence). The proposal provides that all notices be sent to property owners within 300 feet to standardize the requirement and to improve the effectiveness of the noticing. To standardize County procedures, we are proposing that staff be responsible for all mailed notice, including those that the applicant was previously responsible for.
- 2.5 Coastal Development Permits.** The only change proposed is to require that applicants post the project site with the new more visible notices shown above.
- 2.6 Discretionary Notices.** There are two proposed changes relating to discretionary projects. The first is to require that the applicant post the new, larger notice at the beginning of the public comment period associated with a Negative Declaration or Environmental Impact Report, or, if the project is exempt from CEQA, prior to the Planning Commission's public hearing on the proposal. The other change is to require that mailed notice be provided to property owners within 300 feet of the project site once a discretionary application is deemed complete for processing to involve neighbors and interested parties earlier in the process.

Fiscal and Facilities Impacts:

Budgeted: Yes.

Fiscal Analysis:

Funding for this ordinance amendment work effort is budgeted in the Planning Support program of the Administration Division on page D-295 of the adopted Planning and Development Department's budget for fiscal year 2008-09. There are no facilities impacts.

Staffing Impact(s):

Legal Positions:	FTEs:
0	0

Special Instructions:

1. The Planning and Development Department will satisfy all noticing requirements.
2. The Clerk of the Board will send a copy of the signed and numbered ordinance and minute order to the Planning and Development Department, attention Noel Langle.

Attachments:

- A. Case No. 09ORD-00000-00005 Findings
- B. Case No. 09ORD-00000-00005 CEQA Notice of Exemption
- C. Case No. 09ORD-00000-00005 Ordinance
- D. Case No. 09ORD-00000-00005 County Planning Commission Resolution No. 09-08
- E. Case No. 09ORD-00000-00005 5/6/2009 County Planning Commission report (w/o attachments)
- F. Case No. 09ORD-00000-00006 Findings
- G. Case No. 09ORD-00000-00006 CEQA Notice of Exemption
- H. Case No. 09ORD-00000-00006 Ordinance
- I. Case No. 09ORD-00000-00006 Montecito Planning Commission Resolution No. 09-07
- J. Case No. 09ORD-00000-00006 4/22/2009 Montecito Planning Commission report (w/o attachments)

Authored by:

Noel Langle (805.568.2067)

ATTACHMENT A: FINDINGS

CASE NO. 09ORD-00000-00005

In compliance with Section 35.104.060 (Findings Required for Approval of Amendment) of the Santa Barbara County Land Use and Development Code (County LUDC), the following findings shall be made by the County Planning Commission in order to recommend approval of a text amendment to the County LUDC, and the Board of Supervisors shall adopt the following findings in order to approve a text amendment to the County LUDC:

1. The request is in the interests of the general community welfare.

The proposed ordinance amendment is in the interest of the general community welfare since the amendment provides for more effective and efficient public noticing of proposed development so that the concerned public will have increased opportunities to participate in the review of the proposed development.

2. The request is consistent with the Comprehensive Plan including the regional Community Plans, the requirements of State planning and zoning laws, and the County LUDC.

Adoption of the proposed ordinance amendment will provide more effective implementation of the State planning and zoning laws regarding the noticing of proposed development. The proposed ordinance does not conflict with any policies and standards of the Comprehensive Plan including the regional Community Plans. The proposed ordinance amendment is also consistent with the remaining portions of the County LUDC that would not be revised by this amendment. Therefore, this amendment may be found consistent with the Comprehensive Plan including the regional Community Plans, the requirements of State Planning and Zoning Laws, and the County LUDC.

3. The request is consistent with good zoning and planning practices.

The proposed amendment is consistent with sound zoning and planning practices to regulate land uses for the overall protection of the environment and community values since it will provide for more effective notice of applications for development. As discussed above in Finding 2, the amendment is consistent with the Comprehensive Plan including the regional Community Plans, and the County LUDC.

ATTACHMENT B: CEQA NOTICE OF EXEMPTION

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors
FROM: Noel Langle, Senior Planner
Planning and Development Department

The project or activity identified below is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970 as defined in the State and County guidelines for the implementation of CEQA.

APN(s): Not applicable.

Case No.: 09ORD-00000-00005

Location: The proposed ordinance amendment would apply solely to the unincorporated area of Santa Barbara County located outside the Montecito Community Plan Area.

Project Title: Public Notice Requirements Ordinance Amendment.

Project Description: 09ORD-00000-00005 proposes to amend Article 35.10 - Land Use and Development Code Administration, of, and make other revisions as necessary to, Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code to revise the existing procedures regarding the noticing of applications for development.

Exempt Status: (Check one)

- Ministerial
- Statutory
- Categorical Exemption
- Emergency Project
- No Possibility of Significant Effect Section 15061(b)(3)

Cite specific CEQA Guideline Section: Section 15061(b)(3), the general rule exemption, states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment that the activity is not subject to CEQA.

Reasons to support exemption findings: The proposed amendment only revises the public noticing requirements to provide a more effective and efficient process to provide the public with notice of applications for proposed development. It does not affect any existing permit requirements for development, nor does it revise any existing development standards and policies that apply to applications for proposed development. Therefore, no significant environmental impacts are expected to result as a consequence of this ordinance amendment.

Department/Division Representative Date

Acceptance Date (date of final action on project): _____

Date Filed by County Clerk: _____

Note: A copy of this form must be posted at Planning and Development six days prior to a decision on the project. Upon project approval, this form must be filed with the County Clerk of the Board and posted by the Clerk of the Board for a period of 30 days to begin a 35 day statute of limitations on legal challenges.

Distribution: (for posting six days prior to action, and posting original after project approval)

Hearing Support Staff
09ORD-00000-00005 file

ATTACHMENT C: ORDINANCE

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-1, THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE, BY AMENDING CHAPTER 35.106, NOTICING AND PUBLIC HEARINGS, OF ARTICLE 35.10, LAND USE AND DEVELOPMENT CODE ADMINISTRATION; AND MAKE OTHER MINOR REVISIONS AS NECESSARY TO REVISE THE EXISTING PROCEDURES REGARDING THE NOTICING OF APPLICATIONS FOR DEVELOPMENT.

Case No. 09ORD-00000-00005

The Board of Supervisors of the County of Santa Barbara, State of California, ordains as follows:

SECTION 1:

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35.106.020 (Notice of Public Hearing and Review Authority Action) of Chapter 35.106, Noticing and Public Hearings, to read as follows:

35.106.020 - Notice of Public Hearing and Review Authority Action

A. Minimum requirements. Except for applications for Coastal Development Permits subject to Subsection 35.82.050.D.1, Land Use Permits, and Design Review (see Subsection 35.106.030, Sections 35.106.050 and 35.106.060 below, for respective noticing requirements), notice shall be given by the Department in compliance with Government Code Sections 65090-65096 for all projects that require a noticed public hearing or notice of review authority action, including notice of the application and pending action on a Coastal Development Permit subject to either Subsection 35.82.050.D.2 (Coastal Development Permit for development that is appealable to the Coastal Commission in compliance with Chapter 35.102 (Appeals)) or Subsection 35.82.050.D.3 (Coastal Development Permits processed in conjunction with a Conditional Use Permit or Final Development Plan). Each notice shall comply with the following minimum requirements.

- 1. By the Department.** Notice shall be given by the Department in compliance with the following:
 - a. Newspaper publication.** Notice shall be published in at least one newspaper of general circulation within the County and circulated in the area affected by the project at least 10 days before the scheduled public hearing or action by the review authority.
 - b. Mailed notice.**
 - (1) Notice of filing of an application.** Notice of the filing of an application shall be mailed within the 15 calendar days following the Department's determination in compliance with Section 35.80.050 (Initial Application Review) that an application is complete for processing to:
 - (a) Any person who has filed a written request for notice and has supplied the Department with self-addressed stamped envelopes.
 - (b) The applicant.
 - (c) The owner of the subject lot, if different from the applicant.
 - (d) Owners of property located within a 300-foot radius of the exterior boundaries of the subject lot.

- (e) Residents of property located within a 300-foot radius of the exterior boundaries of the subject lot of an application for a commercial or noncommercial telecommunications facility, and additions thereto, allowed in compliance with Chapter 35.44 (Telecommunications Facilities).
 - (f) Owners and residents of property located within a 1,000-foot radius of the exterior boundaries of the subject facility lease area of an application for a commercial telecommunications facility, and additions thereto, allowed in compliance with Section 35.44.010 (Commercial Telecommunication Facilities), if the subject lease area is located on a lot with a residential zone designation and the application includes a new freestanding antenna that is visible from the surrounding area.
 - (g) Owners and residents of property located within a 1,000-foot radius of the exterior boundaries of the subject facility lease area of an application for a commercial telecommunications facility, and additions thereto, allowed in compliance with Section 35.44.010 (Commercial Telecommunication Facilities), if the subject lease area is located within 1,000 feet of a lot with a residential zone designation and the application includes a new freestanding antenna that is visible from the surrounding area.
 - (h) If the subject lot is located in the Coastal Zone, all residents located within a 100 foot radius of the exterior boundaries of the subject lot and the Coastal Commission.
- (2) **Notice of public hearing or review authority action.** Notice of public hearing or review authority action shall be mailed at least 10 days before the scheduled hearing or action to all parties required to receive notice in compliance with Subsection A.1.b.(1), above.
- c. **Optional notice to more than 1,000 owners of property.** If the number of owners to whom notice would be mailed or delivered in compliance with this Chapter is greater than 1,000, the County may instead provide the notice required by Subsections A.1.a and A.1.b.(2), above, by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the County at least 10 days before the scheduled hearing or action.
 - d. **Contents of notice.** The contents of the notice shall be in compliance with Section 35.106.080 (Contents of Notice) below.
 - e. The names and addresses used for mailed notice to property owners shall be those appearing on the equalized County assessment roll, as updated from time to time.
2. **By the applicant.** Notice shall be given by the applicant in compliance with the following:
- a. **Posted notice.**
 - (1) The applicant shall conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest street. If the subject lot is a through lot, then the applicant shall conspicuously post a notice adjacent to each street frontage in a location that can be viewed from the street.
 - (2) The language and form of the notice shall be provided to the applicant by the

Department. The notice shall be a minimum of 18 inches tall by 24 inches wide, except that for the following applications the notice shall be a minimum of two feet tall by three feet wide:

- (a) Applications for development that is under the jurisdiction of the Commission and requires the approval of a Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).
 - (b) Applications for development that is under the jurisdiction of the Commission and requires the approval of a Development Plan in compliance with Section 35.82.080 (Development Plans), not including applications for Development Plan required solely in compliance with Section 35.21.030.C., Section 35.22.030.C.1., Section 35.23.030.C.1., and Section 35.25.030.D.1.a.
 - (c) Applications for legislative actions under the jurisdiction of the Board as the designated review authority in compliance with Table 8-1 (Review Authority) of Chapter 35.80 (Permit Application Filing and Processing).
- (3) Said notice shall be posted by the applicant:
- (a) At least 10 days before the scheduled public hearing or review authority action if the application is determined to be exempt from the requirements of the California Environmental Quality Act.
 - (b) If the application is determined to subject to the requirements of the California Environmental Quality Act, on or before the beginning of the first public comment period on the document prepared in compliance with the California Environmental Quality Act.
- (4) The notice shall be required to be continuously posted from the date required by Subsection A.2.a.(3) above until at least 10 days following an action of the review authority to approve, conditionally approve, or deny the application, including an action on an appeal of the decision of the review authority.
- (5) The applicant shall provide proof of the posting of the required notice by filing an affidavit of noticing and any other required documentation with the Department no later than 10 days before the scheduled initial public hearing or action by the review authority. Failure of the applicant to comply with this Section may result in postponement of the public hearing or action by the review authority.

SECTION 2:

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35.106.030 (Coastal Development Permits and Land Use Permits within the Coastal Zone) of Chapter 35.106, Noticing and Public Hearings, to read as follows:

35.106.030 - Coastal Development Permits and Land Use Permits within the Coastal Zone

A. Minimum requirements for permit not following a discretionary action. Notice of the application and pending action on a Coastal Development Permit processed in compliance with Subsection 35.82.050.D.1 (Coastal Development Permits for development that is not appealable

to the Coastal Commission in compliance with Chapter 35.102 (Appeals) or is not processed in conjunction with a Conditional Use Permit, Minor Conditional Use Permit, or Final Development Plan), or a Land Use Permit for property located with the Coastal Zone, not following a previous discretionary action, shall be given in compliance with the following.

1. **By the Department.** Notice shall be given by the Department in compliance with the following:
 - a. **Mailed notice.** Mailed notice shall be provided to:
 - (1) All owners of property located within a 300-foot radius of the exterior boundaries of the subject lot.
 - (2) All residents of property located within a 100-foot radius of the exterior boundaries of the subject lot.
 - (3) All residents of property located within a 300 foot radius of the exterior boundaries of the subject lot of an application for a commercial telecommunication facility, and additions thereto, allowed in compliance with Subsection 35.44.010.C.1.
 - (4) Any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.
 - (5) The Coastal Commission.
 - b. **Posted Notice.** The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).
 - c. The notice shall be mailed and posted no later than 15 days following the filing of a complete application with the Department and:
 - (1) If the application is subject to Design Review in compliance with Section 35.82.070 (Design Review), at least 10 days before the scheduled date of the initial review by the Board of Architectural Review including conceptual review, or;
 - (2) If the application is not subject to Design Review in compliance with Section 35.82.070 (Design Review), at least seven days before an action by the Director to approve, conditionally approve or deny a Coastal Development Permit or Land Use Permit.
 - d. The notice shall be required to be continuously posted for a minimum of 17 days from the date required by Subsection A.1.c. above and shall remain posted for a minimum of 10 days following an action of the Director to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit.
 - e. The names and addresses used for mailed notice to property owners shall be those appearing on the equalized County assessment roll, as updated from time to time.
2. **By the applicant.** Notice shall be given by the applicant in compliance with the following:
 - a. **Posted notice.** The applicant shall conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest street. If the subject lot is a through lot, then the applicant shall conspicuously post a notice adjacent to each street frontage in a location that can be viewed from the street.

- b. The language and form of the notice shall be provided to the applicant by the Department. The notice shall be a minimum of 18 inches tall by 24 inches wide.
- c. The notice shall be posted by the applicant no later than 15 days following the filing of a complete application with the Department-and:
 - (1) If the application is subject to Design Review in compliance with Section 35.82.070 (Design Review), at least 10 days before the scheduled date of the initial review by the Board of Architectural Review including conceptual review, or;
 - (2) If the application is not subject to Design Review in compliance with Section 35.82.070 (Design Review), at least seven days before an action by the Director to approve, conditionally approve or deny a Coastal Development Permit or Land Use Permit.
- d. The notice shall be required to be continuously posted for a minimum of 17 days from the date required by Subsection A.2.c above and shall remain posted for a minimum of 10 days following an action of the Director to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit.
- e. The applicant shall provide proof of the-posting of the required notice by filing an affidavit of noticing and any other required documentation with the Department prior to the action of the Director to issue the Coastal Development Permit or Land Use Permit.

B. Minimum requirements for permit following a discretionary action. Notice of an application and pending action or action on a Coastal Development Permit or Land Use Permit following a discretionary action and with the same project description shall be given in compliance with the following.

- 1. **By the Department.** Notice shall be given by the Department in compliance with the following:
 - a. **Mailed notice.** Mailed notice shall be provided to:
 - (1) All residents located within a 100-foot radius of the exterior boundaries of the subject lot and the Coastal Commission.
 - (2) All parties that received notice of the previous discretionary action.
 - (3) Any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.
 - b. **Posted notice.** The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).
 - c. The notice shall be mailed and posted no later than 15 days following the filing of a complete application with the Department and:
 - (1) If the application is subject to Design Review in compliance with Section 35.82.070 (Design Review), at least 10 days before the scheduled date of the initial review by the Board of Architectural Review including conceptual review, or;
 - (2) If the application is not subject to Design Review in compliance with Section 35.82.070 (Design Review), at least 10 days before an action by the Director to

issue the Coastal Development Permit or Land Use Permit

- d. The notice shall be required to be continuously posted from the date required by Subsection B.1.c above, until at least 10 days following an action of the Director to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit.
- e. The names and addresses used for mailed notice to property owners shall be those appearing on the equalized County assessment roll, as updated from time to time.
- f. The contents of the notice shall be in compliance with Section 35.106.080 (Contents of Notice) below.

2. By the applicant. Notice shall be given by the applicant in compliance with the following:

- a. **Posted notice.** The applicant shall conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest street. If the subject lot is a through lot, then the applicant shall conspicuously post a notice adjacent to each street frontage in a location that can be viewed from the street.
- b. The language and form of the notice shall be provided to the applicant by the Department. The notice shall be a minimum of 18 inches tall by 24 inches wide.
- c. The notice shall be posted by the applicant no later than 15 days following the filing of a complete application to the Department and:
 - (1) If the application is subject to Design Review in compliance with Section 35.82.070 (Design Review), at least 10 days before the scheduled date of the initial review by the Board of Architectural Review including conceptual review, or;
 - (2) If the application is not subject to Design Review in compliance with Section 35.82.070 (Design Review), at least 10 days before an action by the Director to issue the Coastal Development Permit or Land Use Permit.
- d. The notice shall be required to be continuously posted from the date required by Subsection B.2.c. above, until at least 10 days following an action of the Director to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit.
- e. The applicant shall provide proof of the posting of the required notice by filing an affidavit of noticing and any other required documentation with the Department prior to the action of the Director to issue the Coastal Development Permit or Land Use Permit.

SECTION 3:

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35.106.050 (Land Use Permits - Inland Area) of Chapter 35.106, Noticing and Public Hearings, to read as follows:

35.106.050 - Land Use Permits - Inland Area

A. Minimum requirements. Notice of an application and pending action or action on a Land Use Permit application for property located in the Inland area shall be given in compliance with the

following:

1. **By the Department.** Notice shall be given by the Department in compliance with the following:
 - a. **Mailed notice.** Mailed notice shall be provided to:
 - (1) All owners of property located within a 300-foot radius of the exterior boundaries of the subject lot.
 - (2) All residents located within a 300-foot radius of the exterior boundaries of the subject lot of an application for a commercial telecommunication facility, and additions thereto, as may be allowed in compliance with Section 35.44.010.C.1.
 - (3) Any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.
 - b. **Posted Notice.** The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).
 - c. The notice shall be mailed and posted no later than 15 days following the filing of a complete application with the Department and:
 - (1) If the application is subject to Design Review in compliance with Section 35.82.070 (Design Review), at least 10 days before the scheduled date of the initial review by the Board of Architectural Review including conceptual review, or;
 - (2) If the application is not subject to Design Review in compliance with Section 35.82.070 (Design Review), at least 10 days before an action by the Director to issue a Land Use Permit.
 - d. The notice shall be required to be continuously posted from the date required by Subsection A.1.c. above, until at least 10 days following an action of the Director to approve, conditionally approve, or deny the Land Use Permit.
 - e. The contents of the notice shall be in compliance with Section 35.106.080 (Contents of Notice) below.
 - (1) Notice of applications for Residential Second Units, and additions thereto, as may be allowed in compliance with Section 35.42.230 (Residential Second Units) shall include a statement that the grounds for appeal of an approved or conditionally approved Land Use Permit are limited to the demonstration that the project is inconsistent with the applicable provisions of Subsection 35.42.230.G (Development standards).
2. **By the applicant.** Notice shall be given by the applicant in compliance with the following:
 - a. **Posted notice.** The applicant shall conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest street. If the subject lot is a through lot, then the applicant shall conspicuously post a notice adjacent to each street frontage in a location that can be viewed from the street.
 - b. The language and form of the notice shall be provided to the applicant by the Department. The notice shall be a minimum of 18 inches tall by 24 inches wide.

- c. Said notice shall be posted by the applicant no later than 15 days following the filing of a complete application with the Department and:
 - (1) If the application is subject to Design Review in compliance with Section 35.82.070 (Design Review), at least 10 days before the scheduled date of the initial review by the Board of Architectural Review including conceptual review, or;
 - (2) If the application is not subject to Design Review in compliance with Section 35.82.070 (Design Review), at least 10 days before an action by the Director to issue a Land Use Permit.
- d. The notice shall be required to be continuously posted from the date required by Subsection A.2.f.c above until at least 10 days following an action of the Director to approve, conditionally approve, or deny the Land Use Permit.
- e. The applicant shall provide proof of the posting of the required notice by filing an affidavit of noticing and any other required documentation with the Department prior to the action of the Director to issue the Land Use Permit.

SECTION 4:

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35.106.060 (Design Review) of Chapter 35.106, Noticing and Public Hearings, to read as follows:

35.106.060 - Design Review

- A. Minimum Requirements.** Notice of applications for Design Review shall be given in compliance with the following:
 - 1. By the Department.** Notice shall be given by the Department in compliance with the following:
 - a. Mailed notice.** Mailed notice shall be provided to
 - (1) All owners of property located within a 300-foot radius of the exterior boundaries of the subject lot.
 - (2) Any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.
 - (3) The names and addresses used for such notice shall be those appearing on the equalized County assessment roll, as updated from time to time.
 - b. Posted notice.** The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).
 - c. The notice shall be mailed and posted no later than 15 days following the filing of a complete application with the Department and at least 10 days before the scheduled date of the initial review by the Board of Architectural Review including conceptual review.
 - d. The notice shall be required to be continuously posted from the date required by Subsection A.1.c., above until at least 10 days following final action by the Board of Architectural Review.

- e. The contents of the notice shall be in compliance with Section 35.106.080 (Contents of Notice) below.
- 2. By the applicant.** Except for applications for Design Review that are submitted in association with an application that is noticed in compliance with Section 35.106.020 (Notice of Public Hearing and Review Authority Action), notice shall be given by the applicant in compliance with the following:
- a. **Posted notice.** The applicant shall conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest street. If the subject lot is a through lot, then the applicant shall conspicuously post a notice adjacent to each street frontage in a location that can be viewed from the street.
 - b. The language and form of the notice shall be provided to the applicant by the Department. The notice shall be a minimum of 18 inches tall by 24 inches wide.
 - c. The notice shall be posted by the applicant no later than 15 days following the filing of a complete application to the Department and at least 10 days before the initial review by the Board of Architectural Review, including conceptual review.
 - d. The notice shall be required to be continuously posted from the date required by Subsection A.2.c above, until at least 10 days following an action by the Board of Architectural Review to grant final approval.
 - e. The applicant shall provide proof of the posting of the required notice by filing an affidavit of noticing and any other required documentation with the Department no later than 10 days before the scheduled date of the initial review by the Board of Architectural Review, including conceptual review. Failure of the applicant to comply with this Chapter may result in postponement of the review by the Board of Architectural Review.

SECTION 5:

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35.106.080 (Contents of Notice) of Chapter 35.106, Noticing and Public Hearings, to read as follows:

35.106.080 - Contents of Notice

- A. Notice for all projects.** The following shall be included in all notices required to be provided in compliance with this Section not including notices that are required to be posted by the applicant.
1. The date of filing of the application and the name of the applicant.
 2. The Department case number assigned to the application.
 3. The name of the Department staff person assigned to review the application and their postal mail address, electronic mail address, and telephone number.
 4. A description of the project, its location and a statement that the project is located is within the Coastal Zone, if applicable.
- B. Notice for projects that require a public hearing or discretionary review authority action.** The following shall be included in all notices for projects that require a public hearing or discretionary action by a review authority not including notices that are required to be posted by

the applicant.

1. All information required by Subsection A. (Notice for all projects) above.
2. The place, date, and general time of the hearing at which the project will be heard by the review authority, if the action requires a public hearing. If the project does not require a public hearing, then only the date of pending action of the review authority is required.
3. A general description of the County procedures concerning the conduct of public hearings and actions, including the submission of public comments either in writing or orally before the hearing or decision, and requirements regarding the procedure to appeal the decision.
4. The procedure for Coastal Commission appeals, including any required appeals fees, if applicable.
5. Notice of a pending decision by the Director to approve, conditionally approve or deny a Development Plan for a telecommunications facility in compliance with Chapter 35.44 (Telecommunications Facilities) shall include a statement that the person to whom the notice was mailed may request a public hearing on the proposed Development Plan by submitting a written request to the Department within 10 days of the date of such notice. If a written request is received, the public hearing shall be conducted in compliance with Section 35.106.100 (Hearing Procedure) below.

C. Notice for projects that do not require a public hearing or discretionary review authority action. The following shall be included in all notices for projects that do not require a public hearing or discretionary action by a review authority not including notices that are required to be posted by the applicant.

1. All information required by Subsection A. (Notice for all projects) above.
2. A general description of the County procedures concerning the review of an application for a Coastal Development Permit or Land Use Permit, including:
 - a. How to participate in the review of the application for the Coastal Development Permit or Land Use Permit;
 - b. How to receive notification of any pending review in compliance with Section 35.82.070 (Design Review) if applicable, or action to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit;
 - c. How to submit comments either in writing or orally before review by the Board of Architectural Review, if applicable, or action to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit; and
 - d. Requirements regarding the procedure to appeal the decision of the Board of Architectural Review, or action by the Director to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit.
3. If applicable, the date of the pending action on the application for the Coastal Development Permit or Land Use Permit, and the date of expiration of the appeal period.
4. If the subject lot is located in the Coastal Zone, a statement that the public comment period commences upon the date that such notice is given and allows for submission of public comments on the requested Coastal Development Permit or Land Use Permit, excluding permits that follow a previous discretionary approval.

SECTION 6:

Except as amended by this Ordinance, ARTICLE 35.10 of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 7:

Within the Coastal Zone portion of Santa Barbara County, this ordinance and any portion of this ordinance approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later; and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

SECTION 8:

Within the non-Coastal Zone portion of Santa Barbara County, this ordinance shall take effect and be in force 30 days from the date of its passage and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this ____ day of _____, 2009, by the following vote:

AYES:
NOES:
ABSTAINED:
ABSENT:

JOSEPH CENTENO
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By _____
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

By _____
Deputy County Counsel

ATTACHMENT D: COUNTY PLANNING COMMISSION RESOLUTION 09-08

**RESOLUTION OF THE SANTA BARBARA COUNTY PLANNING COMMISSION
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

IN THE MATTER OF RECOMMENDING TO THE)
BOARD OF SUPERVISORS THE ADOPTION OF)
AN AMENDMENT TO SECTION 35-1 OF) RESOLUTION NO.: 09 - 08
CHAPTER 35 OF THE COUNTY CODE, THE)
SANTA BARBARA COUNTY LAND USE AND) CASE NO.: 09ORD-00000-00005
DEVELOPMENT CODE, REGARDING THE)
NOTICING OF APPLICATIONS FOR PROPOSED)
DEVELOPMENT.)

WITH REFERENCE TO THE FOLLOWING:

- A. On November 27, 2007, by Ordinance 4660, the Board of Supervisors adopted the Santa Barbara County Land Use and Development Code, Section 35-1 of Chapter 35 of the Santa Barbara County Code; and
- B. The County Planning Commission now finds that it is in the interest of the orderly development of the County and important to the preservation of the health, safety and general welfare of the residents of the County to recommend that the Board of Supervisors adopt an ordinance (Case No. 09ORD-00000-00005) amending Section 35-1 of Chapter 35 of the Santa Barbara County Code, the Santa Barbara County Land Use and Development Code, to revise the procedures for providing public notice of applications for development.

Said Ordinance is attached hereto as Exhibit 1 and is incorporated herein by reference.

- C. The proposed Ordinance is consistent with the Coastal Act of 1976, the Santa Barbara County Coastal Plan, the Santa Barbara County Comprehensive Plan including applicable regional Community plans, and the requirements of the State Planning, Zoning and Development Laws.
- D. The proposed Ordinance is in the interest of the general community welfare since it provides for more effective and efficient public noticing of proposed development so that the concerned public will have increased opportunities to participate in the review of the proposed development.
- E. This Commission has held a duly noticed public hearing, as required by Section 65854 of the Government Code, on the proposed Ordinance at which hearing the proposed Ordinance was explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

- 1. The above recitations are true and correct.
- 2. In compliance with the provisions of Section 65855 of the Government Code, this Commission recommends that the Board of Supervisors of the County of Santa Barbara, State of California,

following the required noticed public hearing, approve and adopt the above mentioned recommendation of this Commission.

4. A certified copy of this resolution shall be transmitted to the Board of Supervisors.
5. The Chair of this Commission is hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this resolution to show the above mentioned action by the Planning Commission.

PASSED, APPROVED AND ADOPTED this May 6, 2009 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

DANIEL BLOUGH, Chair
Santa Barbara County Planning Commission

ATTEST:

DIANNE MEESTER BLACK
Secretary to the Commission

APPROVED AS TO FORM:

DENNIS A. MARSHALL
COUNTY COUNSEL

By _____
Deputy County Counsel

EXHIBITS:

1. 09ORD-00000-00005

EXHIBIT 1

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-1, THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE, BY AMENDING CHAPTER 35.106, NOTICING AND PUBLIC HEARINGS, OF ARTICLE 35.10, LAND USE AND DEVELOPMENT CODE ADMINISTRATION; AND MAKE OTHER MINOR REVISIONS AS NECESSARY TO REVISE THE EXISTING PROCEDURES REGARDING THE NOTICING OF APPLICATIONS FOR DEVELOPMENT.

Case No. 09ORD-00000-00005

The Board of Supervisors of the County of Santa Barbara, State of California, ordains as follows:

SECTION 1:

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35.106.020 (Notice of Public Hearing and Review Authority Action) of Chapter 35.106, Noticing and Public Hearings, to read as follows:

35.106.020 - Notice of Public Hearing and Review Authority Action

A. Minimum requirements. Except for ~~decisions on~~ applications for Coastal Development Permits subject to Subsection 35.82.050.D.1, Land Use Permits, ~~applications for and~~ Design Review (see Subsection 35.106.030-A, Sections 35.106.050 and 35.106.060 below, for respective noticing requirements), ~~and Zoning Clearances~~, notice shall be given by the Department in compliance with Government Code Sections 65090-65096 for all projects that require a noticed public hearing or notice of review authority action, including notice of the application and pending action on a Coastal Development Permit subject to either Subsection 35.82.050.D.2 (Coastal Development Permit for development that is appealable to the Coastal Commission in compliance with Chapter 35.102 (Appeals)) or Subsection 35.82.050.D.3 (Coastal Development Permits processed in conjunction with a Conditional Use Permit or Final Development Plan). Each notice shall comply with the following minimum requirements.

1. **By the Department.** Notice shall be given by the Department in compliance with the following:
 - a. **Newspaper publication.** Notice shall be published in at least one newspaper of general circulation within the County and circulated in the area affected by the project at least 10 days before the scheduled public hearing or action by the review authority.
 - ~~2b.~~ **Mailed notice.** ~~Notice shall be mailed at least 10 days before the scheduled hearing or action to:~~
 - (1) **Notice of filing of an application.** Notice of the filing of an application shall be mailed within the 15 calendar days following the Department's determination in compliance with Section 35.80.050 (Initial Application Review) that an application is complete for processing to:
 - (a-) Any person who has filed a written request for notice and has supplied the Department with self-addressed stamped envelopes;
 - (b-) The applicant;
 - (c-) The owner of the subject lot, if different from the applicant;

- (d-) Owners of property located within a 300-foot radius of the exterior boundaries of the subject lot. ~~The names and addresses used for the notice shall be those shown on the equalized County assessment roll, as updated from time to time.~~
- (e-) Residents of property located within a 300-foot radius of the exterior boundaries of the subject lot of an application for a commercial or noncommercial telecommunications facility, and additions thereto, allowed in compliance with Chapter 35.44 (Telecommunications Facilities). ~~The names and addresses used for the notice shall be those shown on the equalized County assessment roll, as updated from time to time.~~
- (f-) Owners and residents of property located within a 1,000-foot radius of the exterior boundaries of the subject facility lease area of an application for a commercial telecommunications facility, and additions thereto, allowed in compliance with Section 35.44.010 (Commercial Telecommunication Facilities), if the subject lease area is located on a lot with a residential zone designation and the application includes a new freestanding antenna that is visible from the surrounding area. ~~The names and addresses used for the notice shall be those shown on the equalized County assessment roll, as updated from time to time.~~
- (g-) Owners and residents of property located within a 1,000-foot radius of the exterior boundaries of the subject facility lease area of an application for a commercial telecommunications facility, and additions thereto, allowed in compliance with Section 35.44.010 (Commercial Telecommunication Facilities), if the subject lease area is located within 1,000 feet of a lot with a residential zone designation and the application includes a new freestanding antenna that is visible from the surrounding area. ~~The names and addresses used for the notice shall be those shown on the equalized County assessment roll, as updated from time to time.~~
- (h) If the subject lot is located in the Coastal Zone, all residents located within a 100 foot radius of the exterior boundaries of the subject lot and the Coastal Commission.

(2) Notice of public hearing or review authority action. Notice of public hearing or review authority action shall be mailed at least 10 days before the scheduled hearing or action to all parties required to receive notice in compliance with Subsection A.1.b.(1), above.

3. ~~Additional requirements for sites within the Coastal Zone.~~ ~~Within the Coastal Zone, in addition to the notice required by Subsections A.1 and A.2 above, notice of a public hearing or action on a site located within the Coastal Zone shall also be mailed at least 10 days before the scheduled hearing or action to:~~

- a. ~~All residents located within a 100 foot radius of the exterior boundaries of the subject lot; and~~
- b. ~~The Coastal Commission.~~

Bc. Optional notice to more than 1,000 owners of property. If the number of owners and residents to whom notice would be mailed or delivered in compliance with this

Chapter is greater than 1,000, the County may instead provide the notice required by Subsections A.1.a and A.1.b.(2), above, by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the County at least 10 days before the scheduled hearing or action.

d. **Contents of notice.** The contents of the notice shall be in compliance with Section 35.106.080 (Contents of Notice) below.

e. The names and addresses used for mailed notice to property owners shall be those appearing on the equalized County assessment roll, as updated from time to time.

2. **By the applicant.** Notice shall be given by the applicant in compliance with the following:

a. **Posted notice.**

(1) The applicant shall conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest street. If the subject lot is a through lot, then the applicant shall conspicuously post a notice adjacent to each street frontage in a location that can be viewed from the street.

(2) The language and form of the notice shall be provided to the applicant by the Department. The notice shall be a minimum of 18 inches tall by 24 inches wide, except that for the following applications the notice shall be a minimum of two feet tall by three feet wide:

(a) Applications for development that is under the jurisdiction of the Commission and requires the approval of a Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).

(b) Applications for development that is under the jurisdiction of the Commission and requires the approval of a Development Plan in compliance with Section 35.82.080 (Development Plans), not including applications for Development Plan required solely in compliance with Section 35.21.030.C., Section 35.22.030.C.1., Section 35.23.030.C.1., and Section 35.25.030.D.1.a.

(c) Applications for legislative actions under the jurisdiction of the Board as the designated review authority in compliance with Table 8-1 (Review Authority) of Chapter 35.80 (Permit Application Filing and Processing).

(3) Said notice shall be posted by the applicant:

(a) At least 10 days before the scheduled public hearing or review authority action if the application is determined to be exempt from the requirements of the California Environmental Quality Act.

(b) If the application is determined to subject to the requirements of the California Environmental Quality Act, on or before the beginning of the first public comment period on the document prepared in compliance with the California Environmental Quality Act.

(4) The notice shall be required to be continuously posted from the date required by Subsection A.2.a.(3). above until at least 10 days following an action of the review authority to approve, conditionally approve, or deny the application,

including an action on an appeal of the decision of the review authority.

- (5) The applicant shall provide proof of the posting of the required notice by filing an affidavit of noticing and any other required documentation with the Department no later than 10 days before the scheduled initial public hearing or action by the review authority. Failure of the applicant to comply with this Section may result in postponement of the public hearing or action by the review authority.

SECTION 2:

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35.106.030 (Coastal Development Permits and Land Use Permits within the Coastal Zone) of Chapter 35.106, Noticing and Public Hearings, to read as follows:

35.106.030 - Coastal Development Permits and Land Use Permits within the Coastal Zone

A. Minimum requirements for permit not following a discretionary action. Notice of the application and pending action on a Coastal Development Permit ~~subject to~~ processed in compliance with Subsection 35.82.050.D.1 (Coastal Development Permits for development that is not appealable to the Coastal Commission in compliance with Chapter 35.102 (Appeals) or is not processed in conjunction with a Conditional Use Permit, Minor Conditional Use Permit, or Final Development Plan), or a Land Use Permit for property located with the Coastal Zone, not following a previous discretionary action, shall be given in compliance with the following.

1. By the Department. Notice shall be given by the Department in compliance with the following:

- a. ~~The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).~~
- b. ~~The notice shall also be mailed to any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.~~

a. Mailed notice. Mailed notice shall be provided to:

- (1) All owners of property located within a 300-foot radius of the exterior boundaries of the subject lot.
- (2) All residents of property located within a 100-foot radius of the exterior boundaries of the subject lot.
- (3) All residents of property located within a 300 foot radius of the exterior boundaries of the subject lot of an application for a commercial telecommunication facility, and additions thereto, allowed in compliance with Subsection 35.44.010.C.1.
- (4) Any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.
- (5) The Coastal Commission.

b. Posted Notice. The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).

c. The notice shall be mailed and posted ~~or mailed~~ no later than 15 days following the

filing of a complete application with the Department, ~~but in no case shall said notice be mailed or posted less than~~ and:

- (1) If the application is subject to Design Review in compliance with Section 35.82.070 (Design Review), at least 10 days before the scheduled date of the initial review by the Board of Architectural Review including conceptual review, or;
 - (2) If the application is not subject to Design Review in compliance with Section 35.82.070 (Design Review), at least seven ~~Seven~~ days before an action by the Director to approve, conditionally approve or deny a Coastal Development Permit or Land Use Permit, ~~if Design Review in compliance with Section 35.82.070 (Design Review) is not required.~~
- d. The notice shall be required to be continuously posted for a minimum of 17 days from the date required by Subsection A.1.c. above and shall remain posted for a minimum of 10 days following an action of the Director to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit.
- e. The names and addresses used for mailed notice to property owners shall be those appearing on the equalized County assessment roll, as updated from time to time.

2. By the applicant. Notice shall be given by the applicant in compliance with the following:

- a. ~~Mailed notice shall be provided to:~~
- (1) ~~All residents and owners of property located within a 100-foot radius of the exterior boundaries of the subject lot.~~
 - (2) ~~The Coastal Commission.~~
- b. ~~Mailed notice of applications for Coastal Development Permits and Land Use Permits, not including those that follow a discretionary action, shall be provided to all owners of property located within a 300-foot radius of the exterior boundaries of the subject lot for the specific types of projects listed below. The applicant shall also conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street.~~
- (1) ~~Development that requires Design Review in compliance with Section 35.82.070 (Design Review);~~
 - (2) ~~A new dwelling containing two or three-story elements or a second or third story addition to an existing dwelling;~~
 - (3) ~~A new accessory structure in excess of 120 square feet of gross floor area or where the gross floor area of the existing accessory structure plus the addition exceeds 120 square feet;~~
 - (4) ~~A change in the allowed use of a structure or a portion of the structure;~~
 - (5) ~~Home occupations where clients come to the lot where the home occupation is conducted;~~
 - (6) ~~Residential second units and additions thereto, allowed in compliance with Section 35.42.230 (Residential Second Units). The notice shall state that the grounds for appeal of an approved or conditionally approved Coastal Development Permit or Land Use Permit are limited to the demonstration that~~

- ~~the project is inconsistent with the applicable provisions and policies of the Coastal Land Use Plan and the provisions of this Development Code;~~
- ~~(7) Large Family Day Care Homes and additions thereto, allowed in compliance with Section 35.42.090 (Community Care Facilities);~~
 - ~~(8) Non-residential Child Care Centers and additions thereto, allowed in compliance with Section 35.42.090 (Community Care Facilities);~~
 - ~~(9) Commercial telecommunication facilities, and additions thereto, allowed in compliance with Section 35.44.010 (Commercial Telecommunication Facilities); and~~
 - ~~(10) Noncommercial telecommunication facilities allowed in compliance with Section 35.44.020 (Noncommercial Telecommunication Facilities) where the height of the antenna and associated support structure exceeds 50 feet.~~
- ~~e. Mailed notice shall be provided to all residents located within a 300 foot radius of the exterior boundaries of the subject lot of an application for a commercial telecommunication facility, and additions thereto, allowed in compliance with Subsection 35.44.010.C.1.~~
- ~~d. For all other types of projects that require a Coastal Development Permit or a Land Use Permit and are not included under Subsection 2.b. and Subsection 2.c. above, notice shall be provided in compliance with the following:~~
- ~~(1) The applicant shall also conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street.~~
- ~~e. The names and addresses used for mailed notice shall be those appearing on the equalized County assessment roll, as updated from time to time.~~
- a.** **Posted notice.** The applicant shall conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest street. If the subject lot is a through lot, then the applicant shall conspicuously post a notice adjacent to each street frontage in a location that can be viewed from the street.
- fb.** The language and form of the notice shall be provided to the applicant by the Department. The contents of the notice shall be in compliance with Section 35.106.080 (Contents of Notice) below. The notice shall be a minimum of 18 inches tall by 24 inches wide.
- gc.** The notice shall be mailed and posted by the applicant no later than 15 days following the filing of a complete application with the Department, but in no case shall said notice be mailed and posted less than and:
- (1) If the application is subject to Design Review in compliance with Section 35.82.070 (Design Review), at least 10 days before the scheduled date of the initial review by the Board of Architectural Review including conceptual review, or;
 - (2) If the application is not subject to Design Review in compliance with Section 35.82.070 (Design Review), at least seven ~~Seven~~ days before an action by the Director to approve, conditionally approve or deny a Coastal Development

Permit or Land Use Permit, ~~if Design Review in compliance with Section 35.82.070 (Design Review) is not required.~~

- ~~hd.~~ The notice shall be required to be continuously posted for a minimum of 17 days from the date required by Subsection A.2.gc above and shall remain posted for a minimum of 10 days following an action of the Director to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit.
- ~~ie.~~ The applicant shall provide proof of the ~~mailing and~~ posting of the required notice by filing an affidavit of noticing and any other required documentation with the Department ~~no later than 10 days before the scheduled date of the initial review by the Board of Architectural Review or 10 days following an action by the Director to approve, conditionally approve, or deny~~ prior to the action of the Director to issue the Coastal Development Permit or Land Use Permit. ~~Failure of the applicant to comply with this Chapter may result in denial and/or revocation of the Coastal Development Permit or Land Use Permit.~~

B. Minimum requirements for permit following a discretionary action. Notice of an application and pending action or action on a Coastal Development Permit or Land Use Permit following a discretionary action and with the same project description shall be given in compliance with the following.

- 1. By the Department.** Notice shall be given by the Department in compliance with the following:
 - a. Mailed notice.** Mailed notice shall be provided to:
 - (1) All residents located within a 100-foot radius of the exterior boundaries of the subject lot and the Coastal Commission.
 - (2) All parties that received notice of the previous discretionary action.
 - (3) Any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.
 - b. Posted notice.** The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).
 - ~~b.~~ ~~The notice shall also be mailed to any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.~~
 - c. The notice shall be mailed and posted no later than 15 days following the filing of a complete application with the Department, ~~but in no case shall said notice be mailed and posted less than~~ and:
 - (1) If the application is subject to Design Review in compliance with Section 35.82.070 (Design Review), at least 10 days before the scheduled date of the initial review by the Board of Architectural Review including conceptual review, or;
 - (2) If the application is not subject to Design Review in compliance with Section 35.82.070 (Design Review), at least 10 days before an action by the Director to issue the Coastal Development Permit or Land Use Permit
 - d. The notice shall be required to be continuously posted from the date required by Subsection B.1.c above, until at least 10 days following an action of the Director to

approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit.

- e. The names and addresses used for mailed notice to property owners shall be those appearing on the equalized County assessment roll, as updated from time to time.
- f. The contents of the notice shall be in compliance with Section 35.106.080 (Contents of Notice) below.

2. By the applicant. Notice shall be given by the applicant in compliance with the following:

- a. ~~Mailed notice shall be provided to all residents located within a 100-foot radius of the exterior boundaries of the subject lot and the Coastal Commission.~~
- b. ~~Mailed notice shall be provided to all parties that received notice of the previous discretionary action.~~
- ea. **Posted notice.** The applicant shall also conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street. If the subject lot is a through lot, then the applicant shall conspicuously post a notice adjacent to each street frontage in a location that can be viewed from the street.
- d. ~~The names and addresses used for mailed notice shall be those appearing on the equalized County assessment roll, as updated from time to time.~~
- eb. The language and form of the notice shall be provided to the applicant by the Department. ~~The contents of the notice shall be in compliance with Section 35.106.080 (Contents of Notice) below.~~ The notice shall be a minimum of 18 inches tall by 24 inches wide.
- fc. The notice shall be ~~mailed and~~ posted by the applicant no later than 15 days following the filing of a complete application to the Department, ~~but in no case shall said notice be mailed and posted less than and:~~
 - (1) If the application is subject to Design Review in compliance with Section 35.82.070 (Design Review), at least 10 days before the scheduled date of the initial review by the Board of Architectural Review including conceptual review, or;
 - (2) If the application is not subject to Design Review in compliance with Section 35.82.070 (Design Review), at least 10 days before an action by the Director to issue the Coastal Development Permit or Land Use Permit, if Design Review in compliance with Section 35.82.070 (Design Review) is not required.
- gd. The notice shall be required to be continuously posted from the date required by Subsection B.2.fc. above, until at least 10 days following an action of the Director to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit.
- he. The applicant shall provide proof of the ~~mailing and~~ posting of the required notice by filing an affidavit of noticing and any other required documentation with the Department ~~no later than 10 days before the scheduled date of the initial review by the Board of Architectural Review or 10 days following an action by the Director to approve, conditionally approve, or deny prior to the action of the Director to issue the Coastal Development Permit or Land Use Permit.~~

- i. ~~Failure of the applicant to comply with this Chapter may result in denial and/or revocation of the Coastal Development Permit or Land Use Permit.~~

3. Contents of Notice. ~~The contents of the notice shall be in compliance with Section 35.106.080 (Contents of Notice) below.~~

SECTION 3:

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35.106.050 (Land Use Permits - Inland Area) of Chapter 35.106, Noticing and Public Hearings, to read as follows:

35.106.050 - Land Use Permits - Inland Area

A. Minimum requirements. Notice of an application and pending action or action on a Land Use Permit application for property located in the Inland area shall be given in compliance with the following:

1. By the Department. Notice shall be given by the Department in compliance with the following:

- a. ~~The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).~~
- b. ~~The notice shall also be mailed to any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.~~

a. Mailed notice. Mailed notice shall be provided to:

- (1) All owners of property located within a 300-foot radius of the exterior boundaries of the subject lot.
- (2) All residents located within a 300-foot radius of the exterior boundaries of the subject lot of an application for a commercial telecommunication facility, and additions thereto, as may be allowed in compliance with Section 35.44.010.C.1.
- (3) Any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.

b. Posted Notice. The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).

c. The notice shall be mailed and posted ~~or mailed~~ no later than 15 days following the filing of a complete application with the Department, ~~but in no case shall said notice be posted or mailed less than~~ and:

- (1) If the application is subject to Design Review in compliance with Section 35.82.070 (Design Review), at least 10 days before the scheduled date of any the initial review by the Board of Architectural Review including conceptual review, or;
- (2) If the application is not subject to Design Review in compliance with Section 35.82.070 (Design Review), at least 10 days before an action by the Director to issue a Land Use Permit if Design Review in compliance with Section 35.82.070 (Design Review) is not required.

d. The notice shall be required to be continuously posted from the date required by

Subsection A.1.c. above, until at least 10 days following an action of the Director to approve, conditionally approve, or deny the Land Use Permit.

e. The contents of the notice shall be in compliance with Section 35.106.080 (Contents of Notice) below.

(1) Notice of applications for Residential Second Units, and additions thereto, as may be allowed in compliance with Section 35.42.230 (Residential Second Units) shall include a statement that the grounds for appeal of an approved or conditionally approved Land Use Permit are limited to the demonstration that the project is inconsistent with the applicable provisions of Subsection 35.42.230.G (Development standards).

2. By the applicant. Notice shall be given by the applicant in compliance with the following:

a. ~~Mailed notice of applications for Land Use Permits not including those that follow a previous discretionary action shall be provided to all owners of property located within a 300 foot radius of the exterior boundaries of the subject lot for the specific types of projects listed below. The applicant shall also conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street.~~

(1) ~~Development that requires Design Review in compliance with Section 35.82.070 (Design Review).~~

(2) ~~A new dwelling containing two or three story elements or a second or third story addition to an existing dwelling.~~

(3) ~~A new accessory structure in excess of 120 square feet of gross floor area or an addition to an existing accessory structure where the gross floor area of the existing accessory structure plus the addition exceeds 120 square feet.~~

(4) ~~A change in the allowed use of a structure or a portion of the structure.~~

(5) ~~Home occupations where clients come to the lot where the home occupation is conducted.~~

(6) ~~Residential second units, and additions thereto, as may be allowed in compliance with Section 35.82.230 (Residential Second Units). The notice shall state that the grounds for appeal of an approved or conditionally approved Land Use Permit are limited to the demonstration that the project is inconsistent with the applicable provisions of Subsection 35.42.230.G (Development standards).~~

(7) ~~Large Family Day Care Homes, and additions thereto, as may be allowed in compliance with Section 35.42.090 (Community Care Facilities).~~

(8) ~~Non-residential Child Care Centers and additions thereto, allowed in compliance with Section 35.42.090 (Community Care Facilities).~~

(9) ~~Commercial telecommunications facilities, and additions thereto, as may be allowed in compliance with Section 35.44.010 (Commercial Telecommunication Facilities).~~

(10) ~~Noncommercial telecommunication facilities as may be allowed in compliance with Section 35.44.020 (Noncommercial Telecommunication Facilities) where the height of the antenna and associated support structure exceeds 50 feet.~~

- ~~b. Mailed notice shall be provided to all residents located within a 300-foot radius of the exterior boundaries of the subject lot of an application for a commercial telecommunication facility, and additions thereto, as may be allowed in compliance with Section 35.44.010.C.1.~~
- ~~e. For all other types of projects that require a Land Use Permit, including applications for Land Use Permits that follow a previous discretionary action, but not including projects that are included under Subsections 2.a. and 2.b. above, notice shall be provided in compliance with the following:
 - ~~(1) Mailed notice shall be provided to all property owners abutting the subject lot, including lots that share a property corner with the subject lot. If the subject lot abuts a street, then the lot directly across the street from the subject lot, and the lots on either side of that lot, also shall be provided with mailed notice.~~
 - ~~(2) The applicant shall also conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street.~~~~
- ~~d. The names and addresses used for mailed notice shall be those appearing on the equalized County assessment roll, as updated from time to time.~~
- a. Posted notice.** The applicant shall conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest street. If the subject lot is a through lot, then the applicant shall conspicuously post a notice adjacent to each street frontage in a location that can be viewed from the street.
- ~~e_b. The language and form of the notice shall be provided to the applicant by the Department. The contents of the notice shall be in compliance with Section 35.106.080 (Contents of Notice) below. The notice shall be a minimum of 18 inches tall by 24 inches wide.~~
- ~~f_c. Said notice shall be mailed and posted by the applicant no later than 15 days following the filing of a complete application with the Department, but in no case shall said notice be mailed and posted less than and:~~
 - ~~(1) If the application is subject to Design Review in compliance with Section 35.82.070 (Design Review), at least 10 days before the scheduled date of any the initial review by the Board of Architectural Review including conceptual review, or;~~
 - ~~(2) If the application is not subject to Design Review in compliance with Section 35.82.070 (Design Review), at least 10 days before an action by the Director to issue a Land Use Permit, where Design Review in compliance with Section 35.82.070 (Design Review) is not required.~~
- ~~gd. (4) The notice shall be required to be continuously posted from the date required by Subsection A.2.f_c above until at least 10 days following an action of the Director to approve, conditionally approve, or deny the Land Use Permit.~~
- ~~he. The applicant shall provide proof of the mailing and posting of the required notice by filing an affidavit of noticing and any other required documentation with the Department no later than 10 days before the scheduled date of any review by the Board of Architectural Review or 10 days following an action by the Director to~~

~~approve, conditionally approve, or deny the~~ prior to the action of the Director to issue the Land Use Permit. ~~Failure of the applicant to comply with this Section may result in denial and/or revocation of the Land Use Permit.~~

B. Contents of Notice. ~~The contents of the notice shall be in compliance with Section 35.106.080 (Contents of Notice) below.~~

SECTION 4:

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35.106.060 (Design Review) of Chapter 35.106, Noticing and Public Hearings, to read as follows:

35.106.060 - Design Review

A. Minimum Requirements. Notice of applications for Design Review shall be given in compliance with the following:

1. By the Department. Notice shall be given by the Department in compliance with the following:

~~a. The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).~~

~~b. The notice shall also be mailed to any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.~~

a. Mailed notice. Mailed notice shall be provided to

(1) All owners of property located within a 300-foot radius of the exterior boundaries of the subject lot.

(2) Any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.

(3) The names and addresses used for such notice shall be those appearing on the equalized County assessment roll, as updated from time to time.

b. Posted notice. The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).

~~c. The notice shall be mailed or and posted no later than 15 days following the filing of a complete application with the Department, but in no case shall said notice be mailed or posted less than and at least 10 days before the scheduled date of any the initial review by the Board of Architectural Review including conceptual review.~~

~~d. The notice shall be required to be continuously posted from the date required by Subsection A.1.c., above until at least 10 days following final action by the Board of Architectural Review.~~

~~e. The contents of the notice shall be in compliance with Section 35.106.080 (Contents of Notice) below.~~

2. By the applicant. ~~Notice shall be given by the applicant in compliance with the following if notice is not otherwise provided in compliance with Section 35.496.030 (Coastal Development Permits and Land Use Permits within the Coastal Zone) and Section 35.496.050 (Land Use Permits - Inland Area) above~~ Except for applications for Design

Review that are submitted in association with an application that is noticed in compliance with Section 35.106.020 (Notice of Public Hearing and Review Authority Action), notice shall be given by the applicant in compliance with the following:

- ~~a. Mailed notice of applications for Design Review shall be provided to all owners of property located within a 300-foot radius of the exterior boundaries of the subject lot. The applicant shall also conspicuously post notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street.~~
- ~~b. The names and addresses used for such notice shall be those appearing on the equalized County assessment roll, as updated from time to time.~~
- a. Posted notice. The applicant shall conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest street. If the subject lot is a through lot, then the applicant shall conspicuously post a notice adjacent to each street frontage in a location that can be viewed from the street.**
- ~~e**b.** The language and form of the notice shall be provided to the applicant by the Department. The contents of the notice shall be in compliance with Section 35.106.080 (Contents of Notice) below. The notice shall be a minimum of 18 inches tall by 24 inches wide.~~
- ~~e**c.** The notice shall be mailed and posted by the applicant no later than 15 days following the filing of a complete application to the Department, but in no case shall said notice be mailed and posted less than and at least 10 days before any the initial review by the Board of Architectural Review, including conceptual review.~~
- ~~e**d.** The notice shall be required to be continuously posted from the date required by Subsection A.2.d**c** above, until at least 10 days following the final an action by the Board of Architectural Review to grant final approval.~~
- ~~e**f.** The applicant shall provide proof of the mailing and posting of the required notice by filing an affidavit of noticing and any other required documentation with the Department no later 10 days before the scheduled date of the initial review by the Board of Architectural Review, including conceptual review. Failure of the applicant to comply with this Chapter may result in denial and/or revocation of the Coastal Development Permit, Land Use Permit, or Zoning Clearance postponement of the review by the Board of Architectural Review.~~

SECTION 5:

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35.106.080 (Contents of Notice) of Chapter 35.106, Noticing and Public Hearings, to read as follows:

35.106.080 - Contents of Notice

- A. Notice for all projects.** The following shall be included in all notices required to be provided in compliance with this Section not including notices that are required to be posted by the applicant.
 - 1. The date of filing of the application and the name of the applicant.
 - 2. The Department case number assigned to the application.
 - 3. The name of the Department staff person assigned to review the application and their postal mail address, electronic mail address, and telephone number.

4. A description of the project, its location and a statement that the project is located is within the Coastal Zone, if applicable.

B. Notice for projects that require a public hearing or discretionary review authority action.

The following shall be included in all notices for projects that require a public hearing or discretionary action by a review authority not including notices that are required to be posted by the applicant.

1. All information required by Subsection A. (Notice for all projects) above.
2. The place, date, and general time of the hearing at which the project will be heard by the review authority, if the action requires a public hearing. If the project does not require a public hearing, then only the date of pending action of the review authority is required.
3. A general description of the County procedures concerning the conduct of public hearings and actions, including the submission of public comments either in writing or orally before the hearing or decision, and requirements regarding the procedure to appeal the decision.
4. The procedure for Coastal Commission appeals, including any required appeals fees, if applicable.
5. Notice of a pending decision by the Director to approve, conditionally approve or deny a Development Plan for a telecommunications facility in compliance with Chapter 35.44 (Telecommunications Facilities) shall include a statement that the person to whom the notice was mailed may request a public hearing on the proposed Development Plan by submitting a written request to the Department within 10 days of the date of such notice. If a written request is received, the public hearing shall be conducted in compliance with Section 35.106.100 (Hearing Procedure) below.

C. Notice for projects that do not require a public hearing or discretionary review authority action. The following shall be included in all notices for projects that do not require a public hearing or discretionary action by a review authority not including notices that are required to be posted by the applicant.

1. All information required by Subsection A. (Notice for all projects) above.
2. A general description of the County procedures concerning the review of an application for a Coastal Development Permit or Land Use Permit, including:
 - a. How to participate in the review of the application for the Coastal Development Permit or Land Use Permit;
 - b. How to receive notification of any pending review in compliance with Section 35.82.070 (Design Review) if applicable, or action to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit;
 - c. How to submit comments either in writing or orally before review by the Board of Architectural Review, if applicable, or action to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit; and
 - d. Requirements regarding the procedure to appeal the decision of the Board of Architectural Review, or action by the Director to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit.
3. If applicable, the date of the pending action on the application for the Coastal Development Permit or Land Use Permit, and the date of expiration of the appeal period.
4. If the subject lot is located in the Coastal Zone, a statement that the public comment period commences upon the date that such notice is given and allows for submission of public comments on the requested Coastal Development Permit or Land Use Permit, excluding

permits that follow a previous discretionary approval.

SECTION 6:

Except as amended by this Ordinance, ARTICLE 35.10 of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 7:

Within the Coastal Zone portion of Santa Barbara County, this ordinance and any portion of this ordinance approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later; and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

SECTION 8:

Within the non-Coastal Zone portion of Santa Barbara County, this ordinance shall take effect and be in force 30 days from the date of its passage and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this ____ day of _____, 2009, by the following vote:

- AYES:
- NOES:
- ABSTAINED:
- ABSENT:

JOSEPH CENTENO
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By _____
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

By _____
Deputy County Counsel

ATTACHMENT E: 5/6/2009 COUNTY PLANNING COMMISSION REPORT

SANTA BARBARA COUNTY PLANNING COMMISSION Public Notice Requirements Amendment Staff Report

Hearing Date: May 6, 2009
Staff Report Date: April 17, 2009
Case No. 09ORD-00000-00005
Environmental Document: CEQA Guidelines Section 15061(b)(3)

Development Services Director: Dianne Black
Staff Contact: Noel Langle/Pat Saley
Phone No.: 805.568.2067/805.969.4605

1.0 REQUEST

Hearing on the request of the Planning and Development Department that the County Planning Commission consider and adopt a recommendation to the Board of Supervisors that they adopt an ordinance (Case No. 09ORD-00000-00005) amending Article 35.10 - Land Use and Development Code Administration, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code as set forth in Attachment C that would revise the existing procedures regarding the noticing of applications for development.

2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and recommend that the Board of Supervisors approve Case No. 09ORD-00000-00005 based upon the ability to make the appropriate findings. Your Commission's motion should include the following:

- Adopt the findings for approval and recommend that the Board of Supervisors adopt the findings for approval of the proposed amendment (Attachment A);
- Recommend that the Board of Supervisors find that this amendment is categorically exempt from the California Environmental Quality Act in compliance with Section 15061(b)(3) of the Guidelines for Implementation of CEQA (Attachment B); and,
- Adopt a Resolution recommending that the Board of Supervisors adopt Case No. 09ORD-00000-00005, an ordinance amending Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code (Attachment C).

Please refer the matter to staff if your Commission takes other than the recommended action for the development of appropriate materials.

3.0 JURISDICTION

This project is being considered by the County Planning Commission based upon Section 65855 of the Government Code and Section 35.104.050 of the Santa Barbara County Land Use and Development Code (County LUDC). The Government Code and the County LUDC require that the County Planning Commission, as the designated planning agency for the unincorporated area of the County outside of the Montecito Planning Area, review and consider proposed amendments to the County LUDC and provide a recommendation to the Board of Supervisors.

4.0 ISSUE SUMMARY AND BACKGROUND

In January 2006 several changes to the public noticing requirements for Coastal Development Permits and Land Use Permits were approved by the Board of Supervisors after numerous public workshops and hearings before the County and Montecito Planning Commissions. Based on the experience gained in working with these procedures, staff is now recommending several improvements to the noticing requirements to make them more efficient and effective. The overall goal is to involve the public earlier in the process through earlier and better noticing. These proposed changes should result in

better projects and fewer appeals as issues can be addressed earlier before considerable time and money has been spent on drawings and process.

These changes have been reviewed and discussed with the Process Improvement Oversight Committee on numerous occasions and they recommend their adoption. The proposed changes were the subject of a public workshop with the Montecito Planning Commission held on February 25, 2009. The County Planning Commission also reviewed the proposed noticing changes at a workshop held on March 11, 2009 (see staff report, Attachment D). The Montecito Planning Commission will consider a similar ordinance amendment at their April 22, 2009 hearing.

The proposed noticing changes involve the following:

- Provide more visible posted notices to increase public awareness of proposed development.
- Require posting of both street frontages on through lots.
- Provide mailed and posted notice of conceptual review by the regional Boards of Architectural Review (not including applications submitted in association with an application for discretionary review).
- Increase the distance for mailed notice for Land Use Permits and shift the responsibility to mail notice to the County.
- Provide mailed notice of discretionary applications when application deemed complete.
- Post notice of availability of CEQA documents for review and public hearings for discretionary applications.

5.0 PROJECT DESCRIPTION

Staff and the Oversight Committee are proposing several changes to the County's noticing procedures relating to mailed and posted notices in order to better inform the public about pending projects. We believe these changes would make it easier to identify and resolve issues earlier in the process and that consequently there would be fewer conflicts during the review process. The existing noticing procedures and proposed revisions are summarized below.

5.1 More visible posted notices. The existing requirement for posted notices for Coastal Development Permits and Land Use Permits is that a minimum of one 8-1/2 inch by 11 inch notice provided by the County be posted in a visible location on the project site. In lieu of the current letter-sized notice, a new more visible notice is recommended. The posted notices are proposed to be 18 inches by 24 inches in size except for certain discretionary applications that are proposed to utilize 24 inch by 36 inch (2 feet by 3 feet) posted notices. The form of the proposed notice is shown on the following page.

The information on the notice would be filled in by County staff. The notice would be posted by the applicant who would sign an affidavit attesting that the notice was posted by the deadline in a visible location. The notice would remain posted during the required time period prior to and following any decision, including through the end of the appeal period if applicable.

The posted notice would be used for the following projects and processes:

- Coastal Development Permits
- Land Use Permits
- Discretionary applications – To advise of proposed development that requires the preparation of an environmental document (e.g., Negative Declarations, Environmental Impact Reports) or a public hearing by the County Planning Commission).

The form is titled "Notice of Proposed Development" and is from the County of Santa Barbara Planning and Development. It includes a logo for the County of Santa Barbara, California, and the website address www.sbcountyplanning.org. The form contains several fields for information: Applicant, Date Filed, Address, Case #, Proposal, Case Planner, and Phone #. At the bottom, there is a note: "Please check frequently for project status updates on our website at http://sbcountyplanning.org/permitting/permit_status/status_search_application.cfm".

Proposed Posted Notice (18" x 24" or larger, depending on the application)

Staff is also proposing that larger (2 feet x 3 feet) signs be used for proposed Conditional Use Permits and Development Plans under the jurisdiction of the Planning Commission, (except for those Development Plans required solely by an exceedance of the 20,000 square foot threshold) and for projects that include legislative acts (e.g., Rezones).

- 5.2 Posted notices on "through" lots.** Currently, where a property is a through lot with two separate street frontages, a minimum of one posted notice is required. However, the Department's administrative practice is to have a notice be posted on each frontage. This amendment would formalize this practice.
- 5.3 Provide mailed and posted notice of conceptual review by the regional Boards of Architectural Review.** Currently notice of review by the regional Boards of Architectural is only mailed and posted once a companion application for a Coastal Development Permit or a Land Use Permit has been submitted. The proposal is provide mailed notice (by the Department) and posted notice (by the applicant) prior to the initial review by the regional Board of Architectural Review so that neighbors are better informed about development proposed nearby. However, the posted notice requirement would not apply to applications for conceptual review that are associated with discretionary projects as the notice could remain posted for several months while the discretionary application is being reviewed which would dilute the effectiveness of the posted notice.
- 5.4 Land Use Permits.** Currently notice is mailed to adjacent property owners for the simpler projects (e.g., one story addition to a residence) and to property owners within 300 feet of the site for more sensitive projects (e.g., two story addition to a residence). Staff is proposing that notices be sent to property owners within 300 feet to standardize the requirement and to improve the effectiveness of the noticing.

County staff has traditionally been responsible for all mailed notices. However, when the new requirement to mail notice of Land Use Permits went into effect in early 2006, the applicant was required to mail the notices to minimize impacts to staff time. To standardize County procedures, we are proposing that staff be responsible for all mailed notice, including those that the applicant was previously responsible for.

The current requirement for the County to mail notice to property owners within 300 feet and tenants within 100 feet of the project site for Coastal Development Permits is not proposed to be altered.

5.5 Discretionary Notices. There are two proposed changes relating to discretionary projects. The first is to require that the applicant post the new, larger notice at the beginning of the public comment period associated with a Negative Declaration or Environmental Impact Report, or, if the project is exempt from the California Environmental Quality Act, prior to the County Planning Commission's public hearing on the proposal. Also, staff is proposing that for certain discretionary projects an even larger posted notice be required (see the last paragraph under Section 5.1 above). The other change is to require that mailed notice be provided to property owners within 300 feet of the project site once a discretionary application is deemed complete for processing to involve neighbors and interested parties earlier in the process. We are not proposing that a posted notice be required at this early juncture as the notice could remain posted for months while the application is being reviewed which would dilute the effectiveness of the posted notice. Mailed notice would continue to be sent to property owners within 300 feet of the project site a minimum of 10 days prior to the public hearing once the date of the hearing has been determined.

6.0 ENVIRONMENTAL REVIEW

The proposed amendment is recommended to be determined to be exempt from environmental review in compliance with Section 15061(b)(3) of the California Guidelines for Implementation of the California Environmental Quality Act (CEQA) which states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment that the activity is not subject to CEQA. No significant environmental impacts would occur as a result of this ordinance amendment as discussed in Attachment B.

7.0 POLICY CONSISTENCY

Adoption of the proposed ordinance will not result in any inconsistencies with the adopted policies and development standards of the County's Comprehensive Plan and the regional Community Plans. In order to approve any application that results from this ordinance, the application still must be found consistent with the Comprehensive Plan and the regional Community Plans.

8.0 ORDINANCE COMPLIANCE

The proposed ordinance is consistent with the remaining portions of the County LUDC that are not revised by this ordinance.

9.0 PROCEDURES

The County Planning Commission may recommend approval, approval with revisions, or denial of the proposed ordinance.

10.0 APPEALS PROCEDURE

Ordinance amendments are automatically forwarded to the Board of Supervisors for final action, therefore no appeal is required.

11.0 ATTACHMENTS

- A. Findings
- B. CEQA Notice of Exemption
- C. Resolution and Proposed Ordinance
- D. March 4, 2009 County Planning Commission Staff Report

ATTACHMENT F: FINDINGS

CASE NO. 09ORD-00000-00006

In compliance with Section 35.494.060 (Findings Required for Approval of Amendment) of the Santa Barbara County Montecito Land Use and Development Code (Montecito LUDC), the following findings shall be made by the Montecito Planning Commission in order to recommend approval of a text amendment to the Montecito LUDC, and the Board of Supervisors shall adopt the following findings in order to approve a text amendment to the Montecito LUDC:

1. The request is in the interests of the general community welfare.

The proposed ordinance amendment is in the interest of the general community welfare since the amendment provides for more effective and efficient public noticing of proposed development so that the concerned public will have increased opportunities to participate in the review of the proposed development.

2. The request is consistent with the Comprehensive Plan including the Montecito Community Plan, the requirements of State planning and zoning laws, and the Montecito LUDC.

Adoption of the proposed ordinance amendment will provide more effective implementation of the State planning and zoning laws regarding the noticing of proposed development. The proposed ordinance does not conflict with any policies and standards of the Comprehensive Plan including the Montecito Community Plan. The proposed ordinance amendment is also consistent with the remaining portions of the Montecito LUDC that would not be revised by this amendment. Therefore, this amendment may be found consistent with the Comprehensive Plan including the Montecito Community Plan, the requirements of State Planning and Zoning Laws, and the Montecito LUDC.

3. The request is consistent with good zoning and planning practices.

The proposed amendment is consistent with sound zoning and planning practices to regulate land uses for the overall protection of the environment and community values since it will provide for more effective notice of applications for development. As discussed above in Finding 2, the amendment is consistent with the Comprehensive Plan including the Montecito Community Plan, and the Montecito LUDC.

ATTACHMENT G: CEQA NOTICE OF EXEMPTION

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors
FROM: Noel Langle, Senior Planner
Planning and Development Department

The project or activity identified below is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970 as defined in the State and County guidelines for the implementation of CEQA.

APN(s): Not applicable.

Case No.: 09ORD-00000-00006

Location: The proposed ordinance amendment would apply solely to the unincorporated area of Santa Barbara County located within the Montecito Community Plan Area.

Project Title: Public Notice Requirements Ordinance Amendment.

Project Description: 09ORD-00000-00006 proposes to amend Division 35.9 - Montecito Land Use and Development Code Administration, of, and make other revisions as necessary to, Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code to revise the existing procedures regarding the noticing of applications for development.

Exempt Status: (Check one)

- Ministerial
- Statutory
- Categorical Exemption
- Emergency Project
- No Possibility of Significant Effect Section 15061(b)(3)

Cite specific CEQA Guideline Section: Section 15061(b)(3), the general rule exemption, states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment that the activity is not subject to CEQA.

Reasons to support exemption findings: The proposed amendment only revises the public noticing requirements to provide a more effective and efficient process to provide the public with notice of applications for proposed development. It does not affect any existing permit requirements for development, nor does it revise any existing development standards and policies that apply to applications for proposed development. Therefore, no significant environmental impacts are expected to result as a consequence of this ordinance amendment.

Department/Division Representative Date

Acceptance Date (date of final action on project): _____

Date Filed by County Clerk: _____

Note: A copy of this form must be posted at Planning and Development six days prior to a decision on the project. Upon project approval, this form must be filed with the County Clerk of the Board and posted by the Clerk of the Board for a period of 30 days to begin a 35 day statute of limitations on legal challenges.

Distribution: (for posting six days prior to action, and posting original after project approval)
Hearing Support Staff
09ORD-00000-00006 file

ATTACHMENT H: ORDINANCE

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-2, THE SANTA BARBARA COUNTY MONTECITO LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE, BY AMENDING CHAPTER 35.496, NOTICING AND PUBLIC HEARINGS, OF DIVISION 35.9, MONTECITO LAND USE AND DEVELOPMENT CODE ADMINISTRATION; AND MAKE OTHER MINOR REVISIONS AS NECESSARY TO REVISE THE EXISTING PROCEDURES REGARDING THE NOTICING OF APPLICATIONS FOR DEVELOPMENT.

Case No. 09ORD-00000-00006

The Board of Supervisors of the County of Santa Barbara, State of California, ordains as follows:

SECTION 1:

Division 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35.496.020 (Notice of Public Hearing and Review Authority Action) of Chapter 35.496, Noticing and Public Hearings, to read as follows:

35.496.020 - Notice of Public Hearing and Review Authority Action

A. Minimum requirements. Except for decisions on Coastal Development Permits subject to Subsection 35.472.050.D.1, Land Use Permits, applications for Design Review (see Subsection 35.496.030, Sections 35.496.050 and 35.496.060 below, for respective noticing requirements), notice shall be given by the Department in compliance with Government Code Sections 65090-65096 for all projects that require a noticed public hearing or notice of review authority action, including notice of the application and pending action on a Coastal Development Permit subject to either Subsection 35.472.050.D.2 (Coastal Development Permit for development that is appealable to the Coastal Commission in compliance with Chapter 35.492 (Appeals)) or Subsection 35.472.050.D.3 (Coastal Development Permits processed in conjunction with a Conditional Use Permit or Final Development Plan). Each notice shall comply with the following minimum requirements.

- 1. By the Department.** Notice shall be given by the Department in compliance with the following:
 - a. Newspaper publication.** Notice shall be published in at least one newspaper of general circulation within the County and circulated in the area affected by the project at least 10 days before the scheduled public hearing or action by the review authority.
 - b. Mailed notice.**
 - (1) Notice of filing of an application.** Notice of the filing of an application shall be mailed within the 15 calendar days following the Department's determination in compliance with Section 35.470 050 (Initial Application Review) that an application is complete for processing to:
 - (a) Any person who has filed a written request for notice and has supplied the Department with self-addressed stamped envelopes;
 - (b) The applicant;
 - (c) The owner of the subject lot, if different from the applicant; and

- (d) Owners of property located within a 300-foot radius of the exterior boundaries of the subject lot. The names and addresses used for the notice shall be those shown on the equalized County assessment roll, as updated from time to time.
 - (e) Residents of property located within a 300-foot radius of the exterior boundaries of the subject lot of an application for a commercial or noncommercial telecommunications facility, and additions thereto, allowed in compliance with Chapter 35.444 (Telecommunications Facilities). The names and addresses used for the notice shall be those shown on the equalized County assessment roll, as updated from time to time.
 - (f) Owners and residents of property located within a 1,000-foot radius of the exterior boundaries of the subject facility lease area of an application for a commercial telecommunications facility, and additions thereto, allowed in compliance with Section 35.444.010 (Commercial Telecommunication Facilities), if the subject lease area is located on a lot with a residential zone designation and the application includes a new freestanding antenna that is visible from the surrounding area. The names and addresses used for the notice shall be those shown on the equalized County assessment roll, as updated from time to time.
 - (g) Owners and residents of property located within a 1,000-foot radius of the exterior boundaries of the subject facility lease area of an application for a commercial telecommunications facility, and additions thereto, allowed in compliance with Section 35.444.010 (Commercial Telecommunication Facilities), if the subject lease area is located within 1,000 feet of a lot with a residential zone designation and the application includes a new freestanding antenna that is visible from the surrounding area. The names and addresses used for the notice shall be those shown on the equalized County assessment roll, as updated from time to time.
 - (h) If the subject lot is located in the Coastal Zone, all residents located within a 100 foot radius of the exterior boundaries of the subject lot and the Coastal Commission.
- (2) **Notice of public hearing or review authority action.** Notice of public hearing or review authority action shall be mailed at least 10 days before the scheduled hearing or action to all parties required to receive notice in compliance with Subsection A.1.b.(1), above.
- c. **Optional notice to more than 1,000 owners of property.** If the number of owners to whom notice would be mailed or delivered in compliance with this Section is greater than 1,000, the County may instead provide the notice required by Subsections A.1.a and A.1.b.(2), above, by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the County at least 10 days before the scheduled hearing or action.
 - d. **Contents of notice.** The contents of the notice shall be in compliance with Section 35.496.080 (Contents of Notice) below.
 - f. The names and addresses used for mailed notice shall be those appearing on the

equalized County assessment roll, as updated from time to time.

2. **By the applicant.** Notice shall be given by the applicant in compliance with the following:
 - a. **Posted notice.**
 - (1) The applicant shall conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street. If the subject lot is a through lot, then the applicant shall conspicuously post a notice adjacent to each street frontage in a location that can be viewed from the street.
 - (2) The language and form of the notice shall be provided to the applicant by the Department. The notice shall be a minimum of 18 inches tall by 24 inches wide, except that for the following applications the notice shall be a minimum of two feet tall by three feet wide:
 - (a) Applications for development that require the approval of a Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits).
 - (b) Applications for development that require the approval of a Development Plan in compliance with Section 35.472.080 (Development Plans).
 - (c) Applications for legislative actions under the jurisdiction of the Board as the designated review authority in compliance with Table 7-1 (Review Authority).
 - (3) Said notice shall be posted by the applicant:
 - (a) At least 10 days before the scheduled public hearing or review authority action if the application is determined to be exempt from the requirements of the California Environmental Quality Act.
 - (b) If the application is determined to be subject to the requirements of the California Environmental Quality Act, on or before the beginning of the first public comment period on the document prepared in compliance with the California Environmental Quality Act.
 - (4) The notice shall be required to be continuously posted from the date required by Subsection A.2.a.(3) above until at least 10 days following an action of the review authority to approve, conditionally approve, or deny the application, including an action on an appeal of the decision of the review authority.
 - (5) The applicant shall provide proof of the posting of the required notice by filing an affidavit of noticing and any other required documentation with the Department no later than 10 days before the scheduled initial public hearing or action by the review authority. Failure of the applicant to comply with this Section may result in postponement of the public hearing or action by the review authority.

SECTION 2:

Division 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35.496.030 (Coastal Development Permits and

Land use Permits within the Coastal Zone) of Chapter 35.496, Noticing and Public Hearings, to read as follows:

35.496.030 - Coastal Development Permits and Land Use Permits within the Coastal Zone

A. Minimum requirements for permit not following a discretionary action. Notice of the application and pending action on a Coastal Development Permit subject to Subsection 35.472.050.D.1 (Coastal Development Permits for development that is not appealable to the Coastal Commission in compliance with Chapter 35.492 (Appeals) or is not processed in conjunction with a Conditional Use Permit or Final Development Plan), or a Land Use Permit for property located within the Coastal Zone, not following a previous discretionary action, shall be given in compliance with the following.

- 1. By the Department.** Notice shall be given by the Department in compliance with the following:
 - a. Mailed notice.** Mailed notice of applications for Coastal Development Permits and Land Use Permits, not including those that follow a discretionary action, shall be provided to:
 - (1) All owners of property located within a 300-foot radius of the exterior boundaries of the subject lot.
 - (2) All residents of property located within a 100-foot radius of the exterior boundaries of the subject lot.
 - (3) All residents of property located within a 300 foot radius of the exterior boundaries of the subject lot of an application for a commercial telecommunication facility, and additions thereto, allowed in compliance with Subsection 35.444.010.C.1.
 - (4) Any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.
 - (5) The Coastal Commission.
 - b. Posted Notice.** The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).
 - c.** The notice shall be mailed and posted no later than 15 days following the filing of a complete application with the Department and:
 - (1) If the application is subject to Design Review in compliance with Section 35.472.070 (Design Review), at least 10 days before the scheduled date of the initial review by the Montecito Board of Architectural Review including conceptual review, or;
 - (2) If the application is not subject to Design Review in compliance with Section 35.472.070 (Design Review), at least seven days before an action by the Director to approve, conditionally approve or deny a Coastal Development Permit or Land Use Permit.
 - d.** The notice shall be required to be continuously posted for a minimum of 17 days from the date required by Subsection A.1.c. above and shall remain posted for a minimum of 10 days following an action of the Director to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit.

- e. The names and addresses used for mailed notice shall be those appearing on the equalized County assessment roll, as updated from time to time.

2. By the applicant. Notice shall be given by the applicant in compliance with the following:

- a. **Posted notice.** The applicant shall conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street. If the subject lot is a through lot, then the applicant shall conspicuously post a notice adjacent to each street frontage in a location that can be viewed from the street.
- b. The language and form of the notice shall be provided to the applicant by the Department. The notice shall be a minimum of 18 inches tall by 24 inches wide.
- c. The notice shall be posted by the applicant no later than 15 days following the filing of a complete application with the Department and:
 - (1) If the application is subject to Design Review in compliance with Section 35.472.070 (Design Review), at least 10 days before the scheduled date of the initial review by the Montecito Board of Architectural Review including conceptual review, or;
 - (2) If the application is not subject to Design Review in compliance with Section 35.472.070 (Design Review), at least seven days before an action by the Director to approve, conditionally approve or deny a Coastal Development Permit or Land Use Permit.
- d. The notice shall be required to be continuously posted for a minimum of 17 days from the date required by Subsection A.2.c above and shall remain posted for a minimum of 10 days following an action of the Director to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit.
- e. The applicant shall provide proof of the posting of the required notice by filing an affidavit of noticing and any other required documentation with the Department prior to the action of the Director to issue the Coastal Development Permit or Land Use Permit.

B. Minimum requirements for permit following a discretionary action. Notice of an application and pending action or action on a Coastal Development or Land Use Permit following a discretionary action and with the same project description shall be given in compliance with the following.

1. By the Department. Notice shall be given by the Department in compliance with the following:

- a. **Mailed notice.** Mailed notice of applications for Coastal Development Permits and Land Use Permits that follow a discretionary action, shall be provided to:
 - (1) All residents located within a 100-foot radius of the exterior boundaries of the subject lot and the Coastal Commission.
 - (2) All parties that received notice of the previous discretionary action.
 - (3) Any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.
- b. **Posted notice.** The Department shall conspicuously post notice at a minimum of one

public place within the County's jurisdiction (e.g., at the Department).

- c. The notice shall be mailed and posted no later than 15 days following the filing of a complete application with the Department and:
 - (1) If the application is subject to Design Review in compliance with Section 35.472.070 (Design Review), at least 10 days before the scheduled date of the initial review by the Montecito Board of Architectural Review including conceptual review, or;
 - (2) If the application is not subject to Design Review in compliance with Section 35.472.070 (Design Review), at least 10 days before an action by the Director to issue the Coastal Development Permit or Land Use Permit
- d. The notice shall be required to be continuously posted from the date required by Subsection B.1.c above, until at least 10 days following an action of the Director to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit.
- e. The names and addresses used for mailed notice shall be those appearing on the equalized County assessment roll, as updated from time to time.
- f. The contents of the notice shall be in compliance with Section 35.496.080 (Contents of Notice) below.

- 2. **By the applicant.** Notice shall be given by the applicant in compliance with the following:
 - a. **Posted notice.** The applicant shall conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street. If the subject lot is a through lot, then the applicant shall conspicuously post a notice adjacent to each street frontage in a location that can be viewed from the street.
 - b. The language and form of the notice shall be provided to the applicant by the Department. The notice shall be a minimum of 18 inches tall by 24 inches wide.
 - c. The notice shall be posted by the applicant no later than 15 days following the filing of a complete application to the Department and:
 - (1) If the application is subject to Design Review in compliance with Section 35.472.070 (Design Review), at least 10 days before the scheduled date of the initial review by the Montecito Board of Architectural Review including conceptual review, or;
 - (2) If the application is not subject to Design Review in compliance with Section 35.472.070 (Design Review), at least 10 days before an action by the Director to issue the Coastal Development Permit or Land Use Permit.
 - d. The notice shall be required to be continuously posted from the date required by Subsection B.2.c. above, until at least 10 days following an action of the Director to approve, conditional approve, or deny the Coastal Development Permit or Land Use Permit.
 - e. The applicant shall provide proof of the posting of the required notice by filing an affidavit of noticing and any other required documentation with the Department prior to the action of the Director to issue the Coastal Development Permit or Land Use

Permit.

SECTION 3:

Division 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35.496.050 (Land Use Permits - Inland Area) of Chapter 35.496, Noticing and Public Hearings, to read as follows:

35.496.050 - Land Use Permits - Inland Area

- A. Minimum requirements.** Notice of an application and pending action or action on a Land Use Permit application for property located in the Inland area shall be given in compliance with the following:
- 1. By the Department.** Notice shall be given by the Department in compliance with the following:
 - a. Mailed notice.** Mailed notice of applications for Land Use Permits shall be provided to:
 - (1) All owners of property located within a 300-foot radius of the exterior boundaries of the subject lot.
 - (2) All residents located within a 300-foot radius of the exterior boundaries of the subject lot of an application for a commercial telecommunication facility, and additions thereto, as may be allowed in compliance with Section 35.444.010.C.1.
 - (3) Any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.
 - b. Posted Notice.** The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).
 - c.** The notice shall be mailed and posted ~~or mailed~~ no later than 15 days following the filing of a complete application with the Department and:
 - (1) If the application is subject to Design Review in compliance with Section 35.472.070 (Design Review), at least 10 days before the scheduled date of the initial review by the Montecito Board of Architectural Review including conceptual review, or;
 - (2) If the application is not subject to Design Review in compliance with Section 35.472.070 (Design Review), at least 10 days before an action by the Director to issue a Land Use Permit.
 - d.** The notice shall be required to be continuously posted from the date required by Subsection A.1.c. above, until at least 10 days following an action of the Director to approve, conditionally approve, or deny the Land Use Permit.
 - e.** The contents of the notice shall be in compliance with Section 35.496.080 (Contents of Notice) below.
 - (1) Notice of applications for Residential Second Units, and additions thereto, as may be allowed in compliance with Section 35.442.160 (Residential Second Units) shall include a statement that the grounds for appeal of an approved or

conditionally approved Land Use Permit are limited to the demonstration that the project is inconsistent with the applicable provisions of Subsection 35.42.160.F (Development standards).

2. **By the applicant.** Notice shall be given by the applicant in compliance with the following:
 - a. **Posted notice.** The applicant shall conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street. If the subject lot is a through lot, then the applicant shall conspicuously post a notice adjacent to each street frontage in a location that can be viewed from the street.
 - b. The language and form of the notice shall be provided to the applicant by the Department. The notice shall be a minimum of 18 inches tall by 24 inches wide.
 - c. Said notice shall be posted by the applicant no later than 15 days following the filing of a complete application with the Department and:
 - (1) If the application is subject to Design Review in compliance with Section 35.472.070 (Design Review), at least 10 days before the scheduled date of the initial review by the Montecito Board of Architectural Review including conceptual review, or;
 - (2) If the application is not subject to Design Review in compliance with Section 35.472.070 (Design Review), at least 10 days before an action by the Director to issue a Land Use Permit.
 - d. The notice shall be required to be continuously posted from the date required by Subsection A.2.c above until at least 10 days following an action of the Director to approve, conditionally approve, or deny the Land Use Permit.
 - e. The applicant shall provide proof of the posting of the required notice by filing an affidavit of noticing and any other required documentation with the Department prior to the action of the Director to issue the Land Use Permit.

SECTION 4:

Division 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35.496.060 (Design Review) of Chapter 35.496, Noticing and Public Hearings, to read as follows:

35.496.060 - Design Review

- A. **Minimum Requirements.** Notice of applications for Design Review shall be given in compliance with the following:
 1. **By the Department.** Notice shall be given by the Department in compliance with the following:
 - a. **Mailed notice.** Mailed notice of applications for Design Review shall be provided to
 - (1) All owners of property located within a 300-foot radius of the exterior boundaries of the subject lot.
 - (2) Any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.

- (3) The names and addresses used for such notice shall be those appearing on the equalized County assessment roll, as updated from time to time.
 - b. Posted notice.** The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).
 - c. The notice shall be mailed ~~or~~ and posted no later than 15 days following the filing of a complete application with the Department and at least 10 days before the scheduled date of the initial review by the Montecito Board of Architectural Review, including conceptual review.
 - d. The notice shall be required to be continuously posted from the date required by Subsection A.1.c., above until at least 10 days following final action by the Montecito Board of Architectural Review.
 - e. Notice shall also be given in compliance with the requirements of:
 - (1) The bylaws of the Montecito Board of Architectural Review as approved by the Board.
 - (2) Architectural guidelines that have been adopted by the Board for the Montecito Planning Area.
 - f. The contents of the notice shall be in compliance with Section 35.496.080 (Contents of Notice) below.
- 2. By the applicant.** Except for applications for Design Review that are submitted in association with an application that is noticed in compliance with Section 35.496.020 (Notice of Public Hearing and Review Authority Action), notice shall be given by the applicant in compliance with the following:
- a. Posted notice.** The applicant shall conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street. If the subject lot is a through lot, then the applicant shall conspicuously post a notice adjacent to each street frontage in a location that can be viewed from the street.
 - b. The language and form of the notice shall be provided to the applicant by the Department. The notice shall be a minimum of 18 inches tall by 24 inches wide.
 - c. The notice shall be posted by the applicant no later than 15 days following the filing of a complete application to the Department and at least 10 days before the initial review by the Montecito Board of Architectural Review, including conceptual review.
 - d. The notice shall be required to be continuously posted from the date required by Subsection A.2.c above, until at least 10 days following an action by the Montecito Board of Architectural Review to grant final approval.
 - e. The applicant shall provide proof of the posting of the required notice by filing an affidavit of noticing and any other required documentation with the Department no later than 10 days before the scheduled date of the initial review by the Montecito Board of Architectural Review, including conceptual review. Failure of the applicant to comply with this Chapter may result in postponement of the review by the Montecito Board of Architectural Review.

SECTION 5:

Division 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35.496.080 (Contents of Notice) of Chapter 35.496, Noticing and Public Hearings, to read as follows:

35.496.080 - Contents of Notice

- A. Notice for all projects.** The following shall be included in all notices required to be provided in compliance with this Section not including notices that are required to be posted by the applicant.
1. The date of filing of the application and the name of the applicant.
 2. The Department case number assigned to the application.
 3. The name of the Department staff person assigned to review the application and their postal mail address, electronic mail address, and telephone number.
 4. A description of the project, its location and a statement that the project is located is within the Coastal Zone, if applicable.
- B. Notice for projects that require a public hearing or discretionary review authority action.** The following shall be included in all notices for projects that require a public hearing or discretionary action by a review authority not including notices that are required to be posted by the applicant.
1. All information required by Subsection A. (Notice for all projects) above.
 2. The place, date, and general time of the hearing at which the project will be heard by the review authority, if the action requires a public hearing. If the project does not require a public hearing, then only the date of pending action of the review authority is required.
 3. A general description of the County procedures concerning the conduct of public hearings and actions, including the submission of public comments either in writing or orally before the hearing or decision, and requirements regarding the procedure to appeal the decision.
 4. The procedure for Coastal Commission appeals, including any required appeals fees, if applicable.
 5. Notice of a pending decision by the Director to approve, conditionally approve or deny a Development Plan for a telecommunications facility in compliance with Chapter 35.444 (Telecommunications Facilities) shall include a statement that the person to whom the notice was mailed may request a public hearing on the proposed Development Plan by submitting a written request to the Department within 10 days of the date of such notice. If a written request is received, the public hearing shall be conducted in compliance with Section 35.496.100 (Hearing Procedure) below.
- C. Notice for projects that do not require a public hearing or discretionary review authority action.** The following shall be included in all notices for projects that do not require a public hearing or discretionary action by a review authority not including notices that are required to be posted by the applicant.
1. All information required by Subsection A. (Notice for all projects) above.
 2. A general description of the County procedures concerning the review of an application for a Coastal Development Permit or Land Use Permit, including:

- a. How to participate in the review of the application for the Coastal Development Permit or Land Use Permit;
 - b. How to receive notification of any pending review in compliance with Section 35.472.070 (Design Review) if applicable, or action to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit;
 - c. How to submit comments either in writing or orally before review by the Montecito Board of Architectural Review, if applicable, or action to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit; and
 - d. Requirements regarding the procedure to appeal the decision of the Montecito Board of Architectural Review, or action by the Director to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit.
3. If applicable, the date of the pending action on the application for the Coastal Development Permit or Land Use Permit, and the date of expiration of the appeal period.
 4. If the subject lot is located in the Coastal Zone, a statement that the public comment period commences upon the date that such notice is given and allows for submission of public comments on the requested Coastal Development Permit or Land Use Permit, excluding permits that follow a previous discretionary approval.

SECTION 6:

Except as amended by this Ordinance, Division 35.9 of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 7:

Within the Coastal Zone portion of Santa Barbara County, this ordinance and any portion of this ordinance approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later; and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

SECTION 8:

Within the non-Coastal Zone portion of Santa Barbara County, this ordinance shall take effect and be in force 30 days from the date of its passage and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this ____ day of _____, 2009, by the following vote:

AYES:
NOES:
ABSTAINED:
ABSENT:

JOSEPH CENTENO
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By _____
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

By _____
Deputy County Counsel

ATTACHMENT I: MONTECITO PLANNING COMMISSION RESOLUTION NO. 09-07

**RESOLUTION OF THE SANTA BARBARA MONTECITO PLANNING COMMISSION
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

IN THE MATTER OF RECOMMENDING TO THE)
BOARD OF SUPERVISORS THE ADOPTION OF)
AN AMENDMENT TO SECTION 35-2 OF) RESOLUTION NO.: 09 - 07
CHAPTER 35 OF THE COUNTY CODE, THE)
SANTA BARBARA COUNTY MONTECITO LAND) CASE NO.: 09ORD-00000-00006
USE AND DEVELOPMENT CODE, REGARDING)
THE NOTICING OF APPLICATIONS FOR)
PROPOSED DEVELOPMENT.)

WITH REFERENCE TO THE FOLLOWING:

- A. On November 27, 2007, by Ordinance 4660, the Board of Supervisors adopted the Santa Barbara County Land Use and Development Code, Section 35-2 of Chapter 35 of the Santa Barbara County Code; and
- B. The Montecito Planning Commission now finds that it is in the interest of the orderly development of the County and important to the preservation of the health, safety and general welfare of the residents of the County to recommend that the Board of Supervisors adopt an ordinance (Case No. 09ORD-00000-00006) amending Section 35-2 of Chapter 35 of the Santa Barbara County Code, the Santa Barbara County Montecito Land Use and Development Code, to revise the procedures for providing public notice of applications for development.

Said Ordinance is attached hereto as Exhibit 1 and is incorporated herein by reference.

- C. The proposed Ordinance is consistent with the Coastal Act of 1976, the Santa Barbara County Coastal Plan, the Santa Barbara County Comprehensive Plan including applicable regional Community plans, and the requirements of the State Planning, Zoning and Development Laws.
- D. The proposed Ordinance is in the interest of the general community welfare since it provides for more effective and efficient public noticing of proposed development so that the concerned public will have increased opportunities to participate in the review of the proposed development.
- E. This Commission has held a duly noticed public hearing, as required by Section 65854 of the Government Code, on the proposed Ordinance at which hearing the proposed Ordinance was explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

- 1. The above recitations are true and correct.
- 2. In compliance with the provisions of Section 65855 of the Government Code, this Commission recommends that the Board of Supervisors of the County of Santa Barbara, State of California,

following the required noticed public hearing, approve and adopt the above mentioned recommendation of this Commission.

4. A certified copy of this resolution shall be transmitted to the Board of Supervisors.
5. The Chair of this Commission is hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this resolution to show the above mentioned action by the Planning Commission.

PASSED, APPROVED AND ADOPTED this April 22, 2009 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

MICHAEL PHILLIPS, Chair
Santa Barbara County Montecito Planning Commission

ATTEST:

DIANNE MEESTER BLACK
Secretary to the Commission

APPROVED AS TO FORM:

DENNIS A. MARSHALL
COUNTY COUNSEL

By _____
Deputy County Counsel

EXHIBITS:

1. 09ORD-00000-00006

EXHIBIT 1

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-2, THE SANTA BARBARA COUNTY MONTECITO LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE, BY AMENDING CHAPTER 35.496, NOTICING AND PUBLIC HEARINGS, OF DIVISION 35.9, MONTECITO LAND USE AND DEVELOPMENT CODE ADMINISTRATION; AND MAKE OTHER MINOR REVISIONS AS NECESSARY TO REVISE THE EXISTING PROCEDURES REGARDING THE NOTICING OF APPLICATIONS FOR DEVELOPMENT.

Case No. 09ORD-00000-00006

The Board of Supervisors of the County of Santa Barbara, State of California, ordains as follows:

SECTION 1:

Division 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35.496.020 (Notice of Public Hearing and Review Authority Action) of Chapter 35.496, Noticing and Public Hearings, to read as follows:

35.496.020 - Notice of Public Hearing and Review Authority Action

A. Minimum requirements. Except for decisions on Coastal Development Permits subject to Subsection 35.472.050.D.1, Land Use Permits, applications for Design Review (see Subsection 35.496.030, Sections 35.496.050 and 35.496.060 below, for respective noticing requirements), notice shall be given by the Department in compliance with Government Code Sections 65090-65096 for all projects that require a noticed public hearing or notice of review authority action, including notice of the application and pending action on a Coastal Development Permit subject to either Subsection 35.472.050.D.2 (Coastal Development Permit for development that is appealable to the Coastal Commission in compliance with Chapter 35.492 (Appeals)) or Subsection 35.472.050.D.3 (Coastal Development Permits processed in conjunction with a Conditional Use Permit or Final Development Plan). Each notice shall comply with the following minimum requirements.

1. By the Department. Notice shall be given by the Department in compliance with the following:

a. Newspaper publication. Notice shall be published in at least one newspaper of general circulation within the County and circulated in the area affected by the project at least 10 days before the scheduled public hearing or action by the review authority.

~~2b. Mailed notice.~~ ~~Notice shall be mailed at least 10 days before the scheduled hearing or action to:~~

(1) Notice of filing of an application. Notice of the filing of an application shall be mailed within the 15 calendar days following the Department's determination in compliance with Section 35.470 050 (Initial Application Review) that an application is complete for processing to:

~~(a-)~~ Any person who has filed a written request for notice and has supplied the Department with self-addressed stamped envelopes;

~~(b-)~~ The applicant;

- (c-) The owner of the subject lot, if different from the applicant; and
- (d-) Owners of property located within a 300-foot radius of the exterior boundaries of the subject lot. The names and addresses used for the notice shall be those shown on the equalized County assessment roll, as updated from time to time.
- (e-) Residents of property located within a 300-foot radius of the exterior boundaries of the subject lot of an application for a commercial or noncommercial telecommunications facility, and additions thereto, allowed in compliance with Chapter 35.444 (Telecommunications Facilities). The names and addresses used for the notice shall be those shown on the equalized County assessment roll, as updated from time to time.
- (f-) Owners and residents of property located within a 1,000-foot radius of the exterior boundaries of the subject facility lease area of an application for a commercial telecommunications facility, and additions thereto, allowed in compliance with Section 35.444.010 (Commercial Telecommunication Facilities), if the subject lease area is located on a lot with a residential zone designation and the application includes a new freestanding antenna that is visible from the surrounding area. The names and addresses used for the notice shall be those shown on the equalized County assessment roll, as updated from time to time.
- (g-) Owners and residents of property located within a 1,000-foot radius of the exterior boundaries of the subject facility lease area of an application for a commercial telecommunications facility, and additions thereto, allowed in compliance with Section 35.444.010 (Commercial Telecommunication Facilities), if the subject lease area is located within 1,000 feet of a lot with a residential zone designation and the application includes a new freestanding antenna that is visible from the surrounding area. The names and addresses used for the notice shall be those shown on the equalized County assessment roll, as updated from time to time.
- (h) If the subject lot is located in the Coastal Zone, all residents located within a 100 foot radius of the exterior boundaries of the subject lot and the Coastal Commission.

(2) Notice of public hearing or review authority action. Notice of public hearing or review authority action shall be mailed at least 10 days before the scheduled hearing or action to all parties required to receive notice in compliance with Subsection A.1.b.(1), above.

~~3. Additional requirements for sites within the Coastal Zone.~~ ~~Within the Coastal Zone, in addition to the notice required by Subsections A.1.a and A.21.b above, notice of a public hearing or action on a site located within the Coastal Zone shall also be mailed at least 10 days before the scheduled hearing or action to:~~

- ~~a. All residents located within a 100 foot radius of the exterior boundaries of the subject lot; and~~
- ~~b. The Coastal Commission.~~

- Bc. Optional notice to more than 1,000 owners of property.** If the number of owners and residents to whom notice would be mailed or delivered in compliance with this Section is greater than 1,000, the County may instead provide the notice required by Subsections A.1.a and A.1.b.(2), above, by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the County at least 10 days before the scheduled hearing or action.
- Cd. Contents of notice.** The contents of the notice shall be in compliance with Section 35.496.080 (Contents of Notice) below.
- f. The names and addresses used for mailed notice shall be those appearing on the equalized County assessment roll, as updated from time to time.
- 2. By the applicant.** Notice shall be given by the applicant in compliance with the following:
- a. Posted notice.**
- (1) The applicant shall conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street. If the subject lot is a through lot, then the applicant shall conspicuously post a notice adjacent to each street frontage in a location that can be viewed from the street.
 - (2) The language and form of the notice shall be provided to the applicant by the Department. The notice shall be a minimum of 18 inches tall by 24 inches wide, except that for the following applications the notice shall be a minimum of two feet tall by three feet wide:
 - (a) Applications for development that require the approval of a Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits).
 - (b) Applications for development that require the approval of a Development Plan in compliance with Section 35.472.080 (Development Plans).
 - (c) Applications for legislative actions under the jurisdiction of the Board as the designated review authority in compliance with Table 7-1 (Review Authority).
 - (3) Said notice shall be posted by the applicant:
 - (a) At least 10 days before the scheduled public hearing or review authority action if the application is determined to be exempt from the requirements of the California Environmental Quality Act.
 - (b) If the application is determined to subject to the requirements of the California Environmental Quality Act, on or before the beginning of the first public comment period on the document prepared in compliance with the California Environmental Quality Act.
 - (4) The notice shall be required to be continuously posted from the date required by Subsection A.2.a.(3). above until at least 10 days following an action of the review authority to approve, conditionally approve, or deny the application, including an action on an appeal of the decision of the review authority.
 - (5) The applicant shall provide proof of the posting of the required notice by filing

an affidavit of noticing and any other required documentation with the Department no later than 10 days before the scheduled initial public hearing or action by the review authority. Failure of the applicant to comply with this Section may result in postponement of the public hearing or action by the review authority.

SECTION 2:

Division 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35.496.030 (Coastal Development Permits and Land use Permits within the Coastal Zone) of Chapter 35.496, Noticing and Public Hearings, to read as follows:

35.496.030 - Coastal Development Permits and Land Use Permits within the Coastal Zone

A. Minimum requirements for permit not following a discretionary action. Notice of the application and pending action on a Coastal Development Permit subject to Subsection 35.472.050.D.1 (Coastal Development Permits for development that is not appealable to the Coastal Commission in compliance with Chapter 35.492 (Appeals) or is not processed in conjunction with a Conditional Use Permit or Final Development Plan), or a Land Use Permit for property located with the Coastal Zone, not following a previous discretionary action, shall be given in compliance with the following.

1. By the Department. Notice shall be given by the Department in compliance with the following:

- ~~a. The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).~~
- ~~b. The notice shall also be mailed to any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.~~

a. Mailed notice. Mailed notice of applications for Coastal Development Permits and Land Use Permits, not including those that follow a discretionary action, shall be provided to:

- (1) All owners of property located within a 300-foot radius of the exterior boundaries of the subject lot.
- (2) All residents of property located within a 100-foot radius of the exterior boundaries of the subject lot.
- (3) All residents of property located within a 300 foot radius of the exterior boundaries of the subject lot of an application for a commercial telecommunication facility, and additions thereto, allowed in compliance with Subsection 35.444.010.C.1.
- (4) Any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.
- (5) The Coastal Commission.

b. Posted Notice. The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).

- c. The notice shall be mailed and posted ~~or mailed~~ no later than 15 days following the filing of a complete application with the Department, ~~but in no case shall said notice be mailed or posted less than~~ and:
- (1) If the application is subject to Design Review in compliance with Section 35.472.070 (Design Review), at least 10 days before the scheduled date of the initial review by the Montecito Board of Architectural Review including conceptual review, or;
 - (2) If the application is not subject to Design Review in compliance with Section 35.472.070 (Design Review), at least seven ~~Seven~~ days before an action by the Director to approve, conditionally approve or deny a Coastal Development Permit or Land Use Permit, ~~if Design Review in compliance with Section 35.472.070 (Design Review) is not required.~~
- d. The notice shall be required to be continuously posted for a minimum of 17 days from the date required by Subsection A.1.c. above and shall remain posted for a minimum of 10 days following an action of the Director to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit.
- e. The names and addresses used for mailed notice shall be those appearing on the equalized County assessment roll, as updated from time to time.

2. By the applicant. Notice shall be given by the applicant in compliance with the following:

- a. ~~Mailed notice shall be provided to:~~
- (1) ~~All residents and owners of property located within a 100-foot radius of the exterior boundaries of the subject lot.~~
 - (2) ~~The Coastal Commission.~~
- b. ~~Mailed notice of applications for Coastal Development Permits and Land Use Permits, not including those that follow a discretionary action, shall be provided to all owners of property located within a 300-foot radius of the exterior boundaries of the subject lot for the specific types of projects listed below. The applicant shall also conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street.~~
- (1) ~~Development that requires Design Review in compliance with Section 35.472.070 (Design Review);~~
 - (2) ~~A new dwelling containing two or three story elements or a second or third story addition to an existing dwelling;~~
 - (3) ~~A new accessory structure in excess of 120 square feet of gross floor area or where the gross floor area of the existing accessory structure plus the addition exceeds 120 square feet;~~
 - (4) ~~A change in the allowed use of a structure or a portion of the structure;~~
 - (5) ~~Home occupations where clients come to the lot where the home occupation is conducted;~~
 - (6) ~~Residential second units and additions thereto, allowed in compliance with Section 35.442.160 (Residential Second Units). The notice shall state that the grounds for appeal of an approved or conditionally approved Coastal~~

~~Development Permit or Land Use Permit are limited to the demonstration that the project is inconsistent with the applicable provisions and policies of the Coastal Land Use Plan and the provisions of this Development Code;~~

- ~~(7) Large Family Day Care Homes and additions thereto, allowed in compliance with Section 35.442.070 (Community Care Facilities);~~
- ~~(8) Non-residential Child Care Centers and additions thereto, allowed in compliance with Section 35.442.070 (Community Care Facilities);~~
- ~~(9) Commercial telecommunication facilities, and additions thereto, allowed in compliance with Section 35.444.010 (Commercial Telecommunication Facilities); and~~
- ~~(10) Noncommercial telecommunication facilities allowed in compliance with Section 35.444.020 (Noncommercial Telecommunication Facilities) where the height of the antenna and associated support structure exceeds 50 feet.~~
- e. ~~Mailed notice shall be provided to all residents located within a 300 foot radius of the exterior boundaries of the subject lot of an application for a commercial telecommunication facility, and additions thereto, allowed in compliance with Subsection 35.444.010.C.1.~~
- d. ~~For all other types of projects that require a Coastal Development Permit or a Land Use Permit and are not included under Subsection 2.b. and Subsection 2.c. above, notice shall be provided in compliance with the following:~~
 - ~~(1) The applicant shall also conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street.~~
- e. ~~The names and addresses used for mailed notice shall be those appearing on the equalized County assessment roll, as updated from time to time.~~
- a.** Posted notice. The applicant shall conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street. If the subject lot is a through lot, then the applicant shall conspicuously post a notice adjacent to each street frontage in a location that can be viewed from the street.
- fb.** The language and form of the notice shall be provided to the applicant by the Department. The contents of the notice shall be in compliance with Section 35.496.080 (Contents of Notice) below. The notice shall be a minimum of 18 inches tall by 24 inches wide.
- gc.** ~~The notice shall be mailed and posted by the applicant no later than 15 days following the filing of a complete application with the Department, but in no case shall said notice be mailed and posted less than and:~~
 - (1) If the application is subject to Design Review in compliance with Section 35.472.070 (Design Review), at least 10 days before the scheduled date of the initial review by the Montecito Board of Architectural Review including conceptual review, or;
 - (2) If the application is not subject to Design Review in compliance with Section 35.472.070 (Design Review), at least seven ~~Seven~~ days before an action by the

Director to approve, conditionally approve or deny a Coastal Development Permit or Land Use Permit, ~~if Design Review in compliance with Section 35.472.070 (Design Review) is not required.~~

- ~~h.d.~~ The notice shall be required to be continuously posted for a minimum of 17 days from the date required by Subsection A.2.g.c above and shall remain posted for a minimum of 10 days following an action of the Director to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit.
- ~~ie.~~ The applicant shall provide proof of the ~~mailing and~~ posting of the required notice by filing an affidavit of noticing and any other required documentation with the Department ~~no later than 10 days before the scheduled date of the initial review by the Montecito Board of Architectural Review or 10 days following an action by the Director to approve, conditionally approve, or deny prior to the action of the Director to issue the Coastal Development Permit or Land Use Permit. Failure of the applicant to comply with this Chapter may result in denial and/or revocation of the Coastal Development Permit or Land Use Permit.~~

B. Minimum requirements for permit following a discretionary action. Notice of an application and pending action or action on a Coastal Development or Land Use Permit following a discretionary action and with the same project description shall be given in compliance with the following.

- 1. By the Department.** Notice shall be given by the Department in compliance with the following:
 - a. Mailed notice.** Mailed notice of applications for Coastal Development Permits and Land Use Permits that follow a discretionary action, shall be provided to:
 - (1) All residents located within a 100-foot radius of the exterior boundaries of the subject lot and the Coastal Commission.
 - (2) All parties that received notice of the previous discretionary action.
 - (3) Any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.
 - b. Posted notice.** The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).
 - ~~b.~~ ~~The notice shall also be mailed to any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.~~
 - c.** The notice shall be mailed and posted no later than 15 days following the filing of a complete application with the Department, ~~but in no case shall said notice be mailed and posted less than~~ and:
 - (1) If the application is subject to Design Review in compliance with Section 35.472.070 (Design Review), at least 10 days before the scheduled date of the initial review by the Montecito Board of Architectural Review including conceptual review, or;
 - (2) If the application is not subject to Design Review in compliance with Section 35.472.070 (Design Review), at least 10 days before an action by the Director to issue the Coastal Development Permit or Land Use Permit

- d. The notice shall be required to be continuously posted from the date required by Subsection B.1.c above, until at least 10 days following an action of the Director to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit.
- e. The names and addresses used for mailed notice shall be those appearing on the equalized County assessment roll, as updated from time to time.
- f. The contents of the notice shall be in compliance with Section 35.496.080 (Contents of Notice) below.

2. By the applicant. Notice shall be given by the applicant in compliance with the following:

- a. ~~Mailed notice shall be provided to all residents located within a 100-foot radius of the exterior boundaries of the subject lot and the Coastal Commission.~~
- b. ~~Mailed notice shall be provided to all parties that received notice of the previous discretionary action.~~
- ea. **Posted notice.** The applicant shall also conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street. If the subject lot is a through lot, then the applicant shall conspicuously post a notice adjacent to each street frontage in a location that can be viewed from the street.
- d. ~~The names and addresses used for mailed notice shall be those appearing on the equalized County assessment roll, as updated from time to time.~~
- eb. The language and form of the notice shall be provided to the applicant by the Department. ~~The contents of the notice shall be in compliance with Section 35.496.080 (Contents of Notice) below.~~ The notice shall be a minimum of 18 inches tall by 24 inches wide.
- fc. The notice shall be ~~mailed and~~ posted by the applicant no later than 15 days following the filing of a complete application to the Department, ~~but in no case shall said notice be mailed and posted less than~~ and:
 - (1) If the application is subject to Design Review in compliance with Section 35.472.070 (Design Review), at least 10 days before the scheduled date of the initial review by the Montecito Board of Architectural Review including conceptual review, or;
 - (2) If the application is not subject to Design Review in compliance with Section 35.472.070 (Design Review), at least 10 days before an action by the Director to issue the Coastal Development Permit or Land Use Permit, if Design Review in compliance with Section 35.472.070 (Design Review) is not required.
- gd. The notice shall be required to be continuously posted from the date required by Subsection B.2.c above, until at least 10 days following an action of the Director to approve, conditional approve, or deny the Coastal Development Permit or Land Use Permit.
- he. The applicant shall provide proof of the ~~mailing and~~ posting of the required notice by filing an affidavit of noticing and any other required documentation with the Department ~~no later than 10 days before the scheduled date of the initial review by the Board of Architectural Review or 10 days following an action by the Director to~~

~~approve, conditionally approve, or deny~~ prior to the action of the Director to issue the Coastal Development Permit or Land Use Permit.

- i. ~~Failure of the applicant to comply with this Chapter may result in denial and/or revocation of the Coastal Development Permit or Land Use Permit.~~

3. Contents of Notice. ~~The contents of the notice shall be in compliance with Section 35.496.080 (Contents of Notice) below.~~

SECTION 3:

Division 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35.496.050 (Land Use Permits - Inland Area) of Chapter 35.496, Noticing and Public Hearings, to read as follows:

35.496.050 - Land Use Permits - Inland Area

A. Minimum requirements. Notice of an application and pending action or action on a Land Use Permit application for property located in the Inland area shall be given in compliance with the following:

1. By the Department. Notice shall be given by the Department in compliance with the following:

- a. ~~The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).~~
- b. ~~The notice shall also be mailed to any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.~~

a. Mailed notice. Mailed notice of applications for Land Use Permits shall be provided to:

- (1) All owners of property located within a 300-foot radius of the exterior boundaries of the subject lot.
- (2) All residents located within a 300-foot radius of the exterior boundaries of the subject lot of an application for a commercial telecommunication facility, and additions thereto, as may be allowed in compliance with Section 35.444.010.C.1.
- (3) Any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.

b. Posted Notice. The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).

c. The notice shall be mailed and posted ~~or mailed~~ no later than 15 days following the filing of a complete application with the Department, ~~but in no case shall said notice be posted or mailed less than~~ and:

- (1) If the application is subject to Design Review in compliance with Section 35.472.070 (Design Review), at least 10 days before the scheduled date of any the initial review by the Montecito Board of Architectural Review including conceptual review, or;
- (2) If the application is not subject to Design Review in compliance with Section

35.472.070 (Design Review), at least 10 days before an action by the Director to issue a Land Use Permit if ~~Design Review in compliance with Section 35.472.070 (Design Review) is not required.~~

- d. The notice shall be required to be continuously posted from the date required by Subsection A.1.c. above, until at least 10 days following an action of the Director to approve, conditionally approve, or deny the Land Use Permit.
- e. The contents of the notice shall be in compliance with Section 35.496.080 (Contents of Notice) below.

(1) Notice of applications for Residential Second Units, and additions thereto, as may be allowed in compliance with Section 35.442.160 (Residential Second Units) shall include a statement that the grounds for appeal of an approved or conditionally approved Land Use Permit are limited to the demonstration that the project is inconsistent with the applicable provisions of Subsection 35.42.160.F (Development standards).

2. By the applicant. Notice shall be given by the applicant in compliance with the following:

- a. ~~Mailed notice of applications for Land Use Permits not including those that follow a previous discretionary action shall be provided to all owners of property located within a 300 foot radius of the exterior boundaries of the subject lot for the specific types of projects listed below. The applicant shall also conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street.~~
 - (1) ~~Development that requires Design Review in compliance with Section 35.472.070 (Design Review).~~
 - (2) ~~A new dwelling containing two or three story elements or a second or third story addition to an existing dwelling.~~
 - (3) ~~A new accessory structure in excess of 120 square feet of gross floor area or an addition to an existing accessory structure where the gross floor area of the existing accessory structure plus the addition exceeds 120 square feet.~~
 - (4) ~~A change in the allowed use of a structure or a portion of the structure.~~
 - (5) ~~Home occupations where clients come to the lot where the home occupation is conducted.~~
 - (6) ~~Residential second units, and additions thereto, as may be allowed in compliance with Section 35.442.160 (Residential Second Units). The notice shall state that the grounds for appeal of an approved or conditionally approved Land Use Permit are limited to the demonstration that the project is inconsistent with the applicable provisions of Subsection 35.42.160.F (Development standards).~~
 - (7) ~~Large Family Day Care Homes, and additions thereto, as may be allowed in compliance with Section 35.442.070 (Community Care Facilities).~~
 - (8) ~~Non-residential Child Care Centers and additions thereto, allowed in compliance with Section 35.42.070 (Community Care Facilities).~~
 - (9) ~~Commercial telecommunications facilities, and additions thereto, as may be~~

- ~~allowed in compliance with Section 35.444.010 (Commercial Telecommunication Facilities).~~
- (10) ~~Noncommercial telecommunication facilities as may be allowed in compliance with Section 35.444.020 (Noncommercial Telecommunication Facilities) where the height of the antenna and associated support structure exceeds 50 feet.~~
- b. ~~Mailed notice shall be provided to all residents located within a 300 foot radius of the exterior boundaries of the subject lot of an application for a commercial telecommunication facility, and additions thereto, as may be allowed in compliance with Section 35.444.010.C.1.~~
- e. ~~For all other types of projects that require a Land Use Permit, including applications for Land Use Permits that follow a previous discretionary action, but not including projects that are included under Subsections 2.a. and 2.b. above, notice shall be provided in compliance with the following:~~
- (1) ~~Mailed notice shall be provided to all property owners abutting the subject lot, including lots that share a property corner with the subject lot. If the subject lot abuts a street, then the lot directly across the street from the subject lot, and the lots on either side of that lot, also shall be provided with mailed notice.~~
- (2) ~~The applicant shall also conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street.~~
- d. ~~The names and addresses used for mailed notice shall be those appearing on the equalized County assessment roll, as updated from time to time.~~
- a. Posted notice.** The applicant shall conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street. If the subject lot is a through lot, then the applicant shall conspicuously post a notice adjacent to each street frontage in a location that can be viewed from the street.
- e**b.** The language and form of the notice shall be provided to the applicant by the Department. The contents of the notice shall be in compliance with Section 35.496.080 (Contents of Notice) below. The notice shall be a minimum of 18 inches tall by 24 inches wide.
- f**c.** Said notice shall be mailed and posted by the applicant no later than 15 days following the filing of a complete application with the Department, but in no case shall said notice be mailed and posted less than and:
- (1) If the application is subject to Design Review in compliance with Section 35.472.070 (Design Review), at least 10 days before the scheduled date of any the initial review by the Montecito Board of Architectural Review including conceptual review, or;
- (2) If the application is not subject to Design Review in compliance with Section 35.472.070 (Design Review), at least 10 days before an action by the Director to issue a Land Use Permit, where Design Review in compliance with Section 35.472.070 (Design Review) is not required.
- g**d.** (4) The notice shall be required to be continuously posted from the date required by

Subsection A.2.f.c above until at least 10 days following an action of the Director to approve, conditionally approve, or deny the Land Use Permit.

~~he.~~ The applicant shall provide proof of the ~~mailing and~~ posting of the required notice by filing an affidavit of noticing and any other required documentation with the Department ~~no later than 10 days before the scheduled date of any review by the Montecito Board of Architectural Review or 10 days following an action by the Director to approve, conditionally approve, or deny the~~ prior to the action of the Director to issue the Land Use Permit. ~~Failure of the applicant to comply with this Section may result in denial and/or revocation of the Land Use Permit.~~

B. Contents of Notice. ~~The contents of the notice shall be in compliance with Section 35.496.080 (Contents of Notice) below.~~

SECTION 4:

Division 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35.496.060 (Design Review) of Chapter 35.496, Noticing and Public Hearings, to read as follows:

35.496.060 - Design Review

A. Minimum Requirements. Notice of applications for Design Review shall be given in compliance with the following:

1. By the Department. Notice shall be given by the Department in compliance with the following:

~~a. The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).~~

~~b. The notice shall also be mailed to any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.~~

a. Mailed notice. Mailed notice of applications for Design Review shall be provided to

(1) All owners of property located within a 300-foot radius of the exterior boundaries of the subject lot.

(2) Any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.

(3) The names and addresses used for such notice shall be those appearing on the equalized County assessment roll, as updated from time to time.

b. Posted notice. The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).

c. The notice shall be mailed ~~or~~ and posted no later than 15 days following the filing of a complete application with the Department, ~~but in no case shall said notice be mailed or posted less than~~ and at least 10 days before the scheduled date of any the initial review by the Montecito Board of Architectural Review, including conceptual review.

d. The notice shall be required to be continuously posted from the date required by Subsection A.1.c., above until at least 10 days following final action by the Montecito Board of Architectural Review.

- e. Notice shall also be given in compliance with the requirements of:
 - (1) The bylaws of the Montecito Board of Architectural Review as approved by the Board.
 - (2) Architectural guidelines that have been adopted by the Board for the Montecito Planning Area.
 - f. The contents of the notice shall be in compliance with Section 35.496.080 (Contents of Notice) below.
2. **By the applicant.** ~~Notice shall be given by the applicant in compliance with the following if notice is not otherwise provided in compliance with Section 35.496.030 (Coastal Development Permits and Land Use Permits within the Coastal Zone) and Section 35.496.050 (Land Use Permits - Inland Area) above~~ Except for applications for Design Review that are submitted in association with an application that is noticed in compliance with Section 35.496.020 (Notice of Public Hearing and Review Authority Action), notice shall be given by the applicant in compliance with the following:
- a. ~~Mailed notice of applications for Design Review shall be provided to all owners of property located within a 300-foot radius of the exterior boundaries of the subject lot. The applicant shall also conspicuously post notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street.~~
 - b. ~~The names and addresses used for such notice shall be those appearing on the equalized County assessment roll, as updated from time to time.~~
 - a. **Posted notice.** The applicant shall conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street. If the subject lot is a through lot, then the applicant shall conspicuously post a notice adjacent to each street frontage in a location that can be viewed from the street.
 - e**b.** ~~The language and form of the notice shall be provided to the applicant by the Department. The contents of the notice shall be in compliance with Section 35.496.080 (Contents of Notice) below. The notice shall be a minimum of 18 inches tall by 24 inches wide.~~
 - d**c.** ~~The notice shall be mailed and posted by the applicant no later than 15 days following the filing of a complete application to the Department, but in no case shall said notice be mailed and posted less than and at least 10 days before any the initial review by the Montecito Board of Architectural Review, including conceptual review.~~
 - e**d.** ~~The notice shall be required to be continuously posted from the date required by Subsection A.2.d.c above, until at least 10 days following the final an action by the Montecito Board of Architectural Review to grant final approval.~~
 - f**e.** ~~The applicant shall provide proof of the mailing and posting of the required notice by filing an affidavit of noticing and any other required documentation with the Department no later 10 days before the scheduled date of the initial review by the Montecito Board of Architectural Review, including conceptual review. Failure of the applicant to comply with this Chapter may result in denial and/or revocation of the Coastal Development Permit, Land Use Permit, or Zoning Clearance postponement of the review by the Montecito Board of Architectural Review.~~

SECTION 5:

Division 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35.496.080 (Contents of Notice) of Chapter 35.496, Noticing and Public Hearings, to read as follows:

35.496.080 - Contents of Notice

A. Notice for all projects. The following shall be included in all notices required to be provided in compliance with this Section not including notices that are required to be posted by the applicant.

1. The date of filing of the application and the name of the applicant.
2. The Department case number assigned to the application.
3. The name of the Department staff person assigned to review the application and their postal mail address, electronic mail address, and telephone number.
4. A description of the project, its location and a statement that the project is located is within the Coastal Zone, if applicable.

B. Notice for projects that require a public hearing or discretionary review authority action. The following shall be included in all notices for projects that require a public hearing or discretionary action by a review authority not including notices that are required to be posted by the applicant.

1. All information required by Subsection A. (Notice for all projects) above.
2. The place, date, and general time of the hearing at which the project will be heard by the review authority, if the action requires a public hearing. If the project does not require a public hearing, then only the date of pending action of the review authority is required.
3. A general description of the County procedures concerning the conduct of public hearings and actions, including the submission of public comments either in writing or orally before the hearing or decision, and requirements regarding the procedure to appeal the decision.
4. The procedure for Coastal Commission appeals, including any required appeals fees, if applicable.
5. Notice of a pending decision by the Director to approve, conditionally approve or deny a Development Plan for a telecommunications facility in compliance with Chapter 35.444 (Telecommunications Facilities) shall include a statement that the person to whom the notice was mailed may request a public hearing on the proposed Development Plan by submitting a written request to the Department within 10 days of the date of such notice. If a written request is received, the public hearing shall be conducted in compliance with Section 35.496.100 (Hearing Procedure) below.

C. Notice for projects that do not require a public hearing or discretionary review authority action. The following shall be included in all notices for projects that do not require a public hearing or discretionary action by a review authority not including notices that are required to be posted by the applicant.

1. All information required by Subsection A. (Notice for all projects) above.
2. A general description of the County procedures concerning the review of an application for a Coastal Development Permit or Land Use Permit, including:

- a. How to participate in the review of the application for the Coastal Development Permit or Land Use Permit;
 - b. How to receive notification of any pending review in compliance with Section 35.472.070 (Design Review) if applicable, or action to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit;
 - c. How to submit comments either in writing or orally before review by the Montecito Board of Architectural Review, if applicable, or action to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit; and
 - d. Requirements regarding the procedure to appeal the decision of the Montecito Board of Architectural Review, or action by the Director to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit.
3. If applicable, the date of the pending action on the application for the Coastal Development Permit or Land Use Permit, and the date of expiration of the appeal period.
 4. If the subject lot is located in the Coastal Zone, a statement that the public comment period commences upon the date that such notice is given and allows for submission of public comments on the requested Coastal Development Permit or Land Use Permit, excluding permits that follow a previous discretionary approval.

SECTION 6:

Except as amended by this Ordinance, Division 35.9 of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 7:

Within the Coastal Zone portion of Santa Barbara County, this ordinance and any portion of this ordinance approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later; and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

SECTION 8:

Within the non-Coastal Zone portion of Santa Barbara County, this ordinance shall take effect and be in force 30 days from the date of its passage and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2009, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

JOSEPH CENTENO
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By _____
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

By _____
Deputy County Counsel

**SANTA BARBARA COUNTY MONTECITO PLANNING COMMISSION
Public Notice Requirements Amendment Staff Report**

Hearing Date: April 22, 2009
Staff Report Date: April 3, 2009
Case No. 09ORD-00000-00006
Environmental Document: CEQA Guidelines Section 15061(b)(3)

Development Services Director: Dianne Black
Staff Contact: Noel Langle/Pat Saley
Phone No.: 805.568.2067/805.969.4605

1.0 REQUEST

Hearing on the request of the Planning and Development Department that the Montecito Planning Commission consider and adopt a recommendation to the Board of Supervisors that they adopt an ordinance (Case No. 09ORD-00000-00006) amending Division 35.9 - Montecito Land Use and Development Code Administration, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code as set forth in Attachment C that would revise the existing procedures regarding the noticing of applications for development.

2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and recommend that the Board of Supervisors approve Case No. 09ORD-00000-00006 based upon the ability to make the appropriate findings. Your Commission's motion should include the following:

- Adopt the findings for approval and recommend that the Board of Supervisors adopt the findings for approval of the proposed amendment (Attachment A);
- Recommend that the Board of Supervisors find that this amendment is categorically exempt from the California Environmental Quality Act in compliance with Section 15061(b)(3) of the Guidelines for Implementation of CEQA (Attachment B); and,
- Adopt a Resolution recommending that the Board of Supervisors adopt Case No. 09ORD-00000-00006, an ordinance amending Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code (Attachment C).

Please refer the matter to staff if your Commission takes other than the recommended action for the development of appropriate materials.

3.0 JURISDICTION

This project is being considered by the Montecito Planning Commission based upon Section 65855 of the Government Code and Section 35.494.050 of the Santa Barbara County Montecito Land Use and Development Code (Montecito LUDC). The Government Code and the Montecito LUDC require that the Montecito Planning Commission, as the designated planning agency for the unincorporated area of the County within the Montecito Planning Area, review and consider proposed amendments to the Montecito LUDC and provide a recommendation to the Board of Supervisors.

4.0 ISSUE SUMMARY AND BACKGROUND

In January 2006 several changes to the public noticing requirements for Coastal Development Permits and Land Use Permits were approved by the Board of Supervisors after numerous public workshops and hearings before the County and Montecito Planning Commissions. Based on the experience gained in working with these procedures, staff is now recommending several improvements to the noticing requirements to make them more efficient and effective. The overall goal is to involve the public earlier in the process through earlier and better noticing. These proposed changes should result in

better projects and fewer appeals as issues can be addressed earlier before considerable time and money has been spent on drawings and process.

These changes have been reviewed and discussed with the Process Improvement Oversight Committee on numerous occasions and they recommend their adoption. The proposed changes were the subject of a public workshop with the Montecito Planning Commission held on February 25, 2009 (see staff report, Attachment D). The County Planning Commission also reviewed the proposed noticing changes at a workshop held on March 11, 2009. The County Planning Commission will consider a similar ordinance amendment at their May 6, 2009 hearing.

The proposed noticing changes involve the following:

- Provide more visible posted notices to increase public awareness of proposed development.
- Require posting of both street frontages on through lots.
- Provide mailed and posted notice of conceptual review by the Montecito Board of Architectural Review (not including applications submitted in association with an application for discretionary review).
- Increase the distance for mailed notice for Land Use Permits and shift the responsibility to mail notice to the County.
- Provide mailed notice of discretionary applications when application deemed complete.
- Post notice of availability of CEQA documents for review and public hearings for discretionary applications.

5.0 PROJECT DESCRIPTION

Staff and the Oversight Committee are proposing several changes to the County's noticing procedures relating to mailed and posted notices in order to better inform the public about pending projects. We believe these changes would make it easier to identify and resolve issues earlier in the process and that consequently there would be fewer conflicts during the review process. The existing noticing procedures and proposed revisions are summarized below.

5.1 More visible posted notices.

The existing requirement for posted notices for Coastal Development Permits and Land Use Permits is for a minimum of one 8-1/2 inch by 11 inch notice provided by the County be posted in a visible location on the project site. In lieu of the current letter-sized notice, a new more visible notice is recommended. The posted notices are proposed to be 18 inches by 24 inches in size except for certain discretionary applications that are proposed to utilize 24 inch by 36 inch (2 feet by 3 feet) posted notices. The form of the proposed notice is shown on the following page.

The information on the notice would be filled in by County staff. The notice would be posted by the applicant who would sign an affidavit attesting that the notice was posted by the deadline in a visible location. The notice would remain posted during the required time period prior to and following any decision, including through the end of the appeal period if applicable.

The posted notice would be used for the following projects and processes:

- Coastal Development Permits
- Land Use Permits
- Discretionary applications – To advise of proposed development that requires the preparation of an environmental document (e.g., Negative Declarations, Environmental Impact Reports) or a public hearing by the Montecito Planning Commission.

The form is titled "Notice of Proposed Development" and is from the County of Santa Barbara Planning and Development. It includes a logo for the County of Santa Barbara, California. The form has several fields for information: Applicant, Date Filed, Address, Case #, Proposal, Case Planner, and Phone #. At the bottom, there is a URL for checking project status updates: http://sbcountyplanning.org/permitting/permit_status/status_search_application.cfm.

Proposed Posted Notice (18" x 24" or larger, depending on the application)

Staff is also proposing that larger (2 feet x 3 feet) signs be used for proposed Conditional Use Permits, Development Plans and legislative acts (e.g., Rezones).

5.2 Posted notices on "through" lots.

Currently, where a property is a through lot with two separate street frontages, a minimum of one posted notice is required. However, the Department's administrative practice is to have a notice be posted on each frontage. This amendment would formalize this practice.

5.3 Provide mailed and posted notice of conceptual review by the Montecito Board of Architectural Review.

Currently notice of review by the Montecito Board of Architectural is only mailed and posted once a companion application for a Coastal Development Permit or a Land Use Permit has been submitted. The proposal is provide mailed notice (by the Department) and posted notice (by the applicant) prior to the initial review by the Montecito Board of Architectural Review so that neighbors are better informed about development proposed nearby. This would not apply to applications for conceptual review that are associated with discretionary projects as the notice could remain posted for several months while the discretionary application is being reviewed which would dilute the effectiveness of the posted notice.

5.4 Land Use Permits

Currently notice is mailed to adjacent property owners for the simpler projects (e.g., one story addition to a residence) and to property owners within 300 feet of the site for more sensitive projects (e.g., two story addition to a residence). Staff is proposing that notices be sent to property owners within 300 feet to standardize the requirement and to improve the effectiveness of the noticing.

County staff has traditionally been responsible for all mailed notices. However, when the new requirement to mail notice of LUPs went into effect in early 2006, the applicant was required to mail the notices to minimize impacts to staff time. To standardize County procedures, we are proposing that staff be responsible for all mailed notice, including those that the applicant was previously responsible for.

The current requirement for the County to mail notice to property owners within 300 feet and tenants within 100 feet of the project site for Coastal Development Permits is not proposed to be altered.

5.5 Discretionary Notices

There are two proposed changes relating to discretionary projects. The first is to require that the applicant post the new, larger notice at the beginning of the public comment period associated with a Negative Declaration or Environmental Impact Report, or, if the project is exempt from the California Environmental Quality Act, prior to the Montecito Planning Commission's public hearing on the proposal. The other change is to require that mailed notice be provided to property owners within 300 feet of the project site once a discretionary application is deemed complete for processing to involve neighbors and interested parties earlier in the process. An additional mailed notice would continue to be sent to property owners within 300 feet of the project site a minimum of 10 days prior to the public hearing once the date of the hearing has been determined. We are not proposing that a posted notice be required at this early juncture as the notice could remain posted for months while the application is being reviewed which would dilute the effectiveness of the posted notice.

6.0 ENVIRONMENTAL REVIEW

The proposed amendment is recommended to be determined to be exempt from environmental review in compliance with Section 15061(b)(3) of the California Guidelines for Implementation of the California Environmental Quality Act (CEQA) which states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment that the activity is not subject to CEQA. No significant environmental impacts would occur as a result of this ordinance amendment as discussed in Attachment B.

7.0 POLICY CONSISTENCY

Adoption of the proposed ordinance will not result in any inconsistencies with the adopted policies and development standards of the County's Comprehensive Plan and the Montecito Community Plan. In order to approve any application that results from this ordinance, the application still must be found consistent with the Comprehensive Plan and the Montecito Community Plans.

8.0 ORDINANCE COMPLIANCE

The proposed ordinance is consistent with the remaining portions of the Montecito LUDC that are not revised by this ordinance.

9.0 PROCEDURES

The Montecito Planning Commission may recommend approval, approval with revisions, or denial of the proposed ordinance.

10.0 APPEALS PROCEDURE

Ordinance amendments are automatically forwarded to the Board of Supervisors for final action, therefore no appeal is required.

11.0 ATTACHMENTS

- A. Findings
- B. CEQA Notice of Exemption
- C. Resolution and Proposed Ordinance
- D. February 25, 2009 Montecito Planning Commission Workshop Staff Report